

## NATURAL RESOURCES

Budget Summary							
Fund	2000-01 Base Year Doubled	2001-03 Governor	2001-03 Jt. Finance	2001-03 Legislature	2001-03 Act 16	Act 16 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$337,717,400	\$342,039,100	\$329,669,700	\$318,458,900	\$318,542,000	- \$19,175,400	- 5.7%
FED	86,234,000	90,214,500	90,066,700	88,339,200	88,211,800	1,977,800	2.3
PR	61,308,600	66,803,200	66,171,300	64,617,400	64,447,400	3,138,800	5.1
SEG	<u>439,733,400</u>	<u>437,473,000</u>	<u>473,524,600</u>	<u>424,691,600</u>	<u>421,395,300</u>	<u>- 18,338,100</u>	<u>- 4.2</u>
TOTAL	\$924,993,400	\$936,529,800	\$959,432,300	\$896,107,100	\$892,596,500	- \$32,396,900	- 3.5%
BR		\$29,693,600	\$28,743,600	\$140,993,600	\$131,993,600		

FTE Position Summary						
Fund	2000-01 Base	2002-03 Governor	2002-03 Jt. Finance	2002-03 Legislature	2002-03 Act 16	Act 16 Change Over 2000-01 Base
GPR	512.78	526.28	525.28	504.78	504.78	- 8.00
FED	478.96	448.96	447.85	444.35	442.35	- 36.61
PR	280.14	273.64	269.64	268.16	268.16	- 11.98
SEG	<u>1,728.64</u>	<u>1,710.14</u>	<u>1,740.14</u>	<u>1,159.55</u>	<u>1,106.80</u>	<u>- 621.84</u>
TOTAL	3,000.52	2,959.02	2,982.91	2,376.84	2,322.09	- 678.43

### Budget Change Items

### Departmentwide

#### 1. STANDARD BUDGET ADJUSTMENTS

**Governor/Legislature:** Delete \$1,330,700 and 29.25 positions in 2001-2002 and delete \$1,620,000 and 43.5 positions in 2002-03 for adjustments to the base budget for: (a) -\$2,709,400 annually for turnover reduction, (-\$609,800 GPR, -\$117,300 FED, -\$166,500 PR, and -\$1,815,800 SEG annually); (b) -\$7,106,700 and -20.25 positions in 2001-2002 and -\$7,298,100

Funding Positions		
GPR	- \$763,400	0.00
FED	2,233,600	- 30.50
PR	267,700	- 4.00
SEG	<u>- 4,688,600</u>	<u>- 9.00</u>
Total	- \$2,950,700	- 43.50

and -34.5 positions in 2002-2003 for removal of noncontinuing elements from the base (-\$662,200 FED, -\$521,600 PR, and -\$5,922,900 SEG in 2001-2002; -\$853,600 FED, -\$521,600 PR, and -\$5,922,900 SEG in 2002-2003; -16.25 FED positions, -3.0 PR positions, and -1.0 SEG position in 2001-2002; -30.5 FED positions, -3.0 PR positions, and -1.0 SEG position in 2002-2003); (c) \$6,339,100 annually for full funding of continuing salaries and fringe (\$174,200 GPR, \$1,983,300 FED, \$828,700 PR, and \$3,352,900 SEG annually); (d) \$58,700 annually to fund an increase in charges for BadgerNet (\$10,000 GPR, \$8,700 FED, \$5,100 PR, and \$34,900 SEG annually); (e) \$2,194,200 annually for overtime (\$8,400 PR and \$2,185,800 SEG annually); and (f) \$193,300 annually for a fifth vacation week as cash for certain long-term employees (\$43,900 GPR, \$8,700 PR, and \$140,700 SEG annually).

In addition, DOA budget instructions direct state agencies to delete costs for project positions that expire during the 2001-03 biennium under a standard budget adjustment for the removal of noncontinuing items. The following funding amounts and expiring project positions would be deleted in addition to the standard budget adjustments identified in the bill: (a) \$169,600 SEG in 2001-02 and \$226,100 SEG in 2002-03 with 5.0 positions to delete five forester project positions that expire October 9, 2001; (b) \$29,100 SEG in 2001-02 and \$46,600 SEG in 2002-03 with 1.0 SEG position to delete a recycling program project position that expires on October 14, 2001; (c) \$17,000 PR in 2001-02 and \$40,900 PR in 2002-03 with 1.0 PR position to delete a laboratory certification program project position that expires on February 3, 2002; and (d) \$84,200 SEG and 2.0 SEG positions annually to delete two septage management program project positions that expire on June 30, 2001.

## 2. BASE BUDGET REDUCTION [LFB Paper 245]

GPR	- \$4,948,200
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**Governor:** Reduce DNR's largest GPR state operations appropriation (the Water Division's general operations) by \$2,474,100 annually. The total reduction amount was derived by applying a 5% reduction based on the agency's GPR state operations appropriations (excluding debt service). Include session law permitting DNR to submit within 90 days of the publication of the budget bill a plan to the Department of Administration to reallocate some or all of the reductions to other sum certain state operations appropriations within the agency. If the DOA Secretary does not approve the revised plan, DNR would be directed to make the reductions as provided in the bill. If the Secretary approved the revised plan, he would then forward the reallocation plan to the Joint Committee on Finance for its review and approval. If the Co-chairpersons of the Committee did not notify the DOA Secretary that the committee had scheduled a meeting to review the proposed plan within 14 working days after the date of the Secretary's submittal, the agency would be permitted to make the reductions specified in the revised plan. Alternately, if within 14 working days of the Secretary's submittal of the revised plan the Co-chairpersons of the Joint Committee on Finance notify the Secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, DNR may not implement the plan until it is approved by the committee, as submitted or as modified.

**Joint Finance/Legislature:** Modify the Governor's recommendation to provide that the agency may submit a request to the Joint Committee on Finance under s. 13.10 to reallocate any of the reductions to other sum certain GPR appropriations for state operations made to the agency.

[Act 16 Section: 9159(1)]

### 3. ORGANIZATION OF THE DEPARTMENT OF NATURAL RESOURCES

	Legislature (Chg. to Base)		Veto (Chg. to Leg)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	-\$438,200	0.00	\$133,100	0.00	-\$305,100	0.00
FED	- 1,727,500	- 3.50	- 127,400	- 2.00	- 1,854,900	- 5.50
PR	- 1,553,900	- 1.48	0	0.00	- 1,553,900	- 1.48
SEG	<u>- 65,123,700</u>	<u>- 609.59</u>	<u>- 1,842,000</u>	<u>- 44.75</u>	<u>- 66,965,700</u>	<u>- 654.34</u>
Total	-\$68,843,300	- 614.57	-\$1,836,300	- 46.75	-\$70,679,600	- 661.32

**Assembly:** Divide the Department of Natural Resources (DNR) into two separate agencies on July 1, 2002. The conservation agency would be responsible for state parks, forests and trails, fish and wildlife programs, and outdoor recreation (including recreational boat, snowmobile and ATV programs and enforcement activities). The environmental agency would have authority for environmental protection, pollution control and environmental regulatory functions (such as navigable waters, dams, wetlands, shoreland zoning, wharves, piers, boathouses, ski ramps, fishing rafts, and fill, construction and dredging permits).

Conservation Agency. The core of the new Department of Fish, Wildlife, Parks and Forestry (DFWP&F) would consist of the current DNR Division of Land (which includes the Bureaus of Wildlife Management, Parks and Recreation, Endangered Resources and Facilities and Lands), the Division of Forestry, the part of the Bureau of Fisheries Management and Habitat Protection relating to fisheries and the Mississippi/Lower St. Croix subprogram in the Division of Water. Also included would be fish, wildlife and recreational vehicle enforcement. In addition, the conservation aids distributed by DNR (such as snowmobile and all-terrain vehicle trail aids, recreational boating project aids, aids in lieu of taxes and wildlife damage aids) and natural resource-related debt service (such as that paid for the stewardship program) and resource acquisition and development funding would also be placed in DFWP&F. Further, current DNR responsibilities relating to the Lower Wisconsin State Riverway (subchapter IV of chapter 30) and the Lake Winnebago comprehensive project would be assigned to the conservation agency.

All current DNR funding from nine of the ten conservation fund accounts would be provided to DFWP&F. Recreational boating project aids, boat access and aquatic and terrestrial inventory funding from the water resources account (motorboat gas tax revenues) would also be placed in the conservation agency.

This amendment would also include the provisions of 1999 AB 490 relating to the Joint Legislative Council's Special Committee on Conservation Laws Enforcement recommendations for chief warden authority (as modified to create an unclassified chief warden position). The Secretary of the conservation agency would designate a chief warden and may designate one or more deputy chief wardens. The chief warden would have the duty to direct, supervise and control conservation wardens in the performance of their duties. The chief warden would designate an internal affairs officer to investigate complaints against conservation wardens when the chief warden determines an investigation is necessary and would designate a complaint officer to resolve complaints against conservation wardens.

The conservation agency would have three divisions. The Division of State Parks and Trails would be responsible for maintenance and operations of approximately 44 state parks, 14 state trails and five recreational areas. This Division would also have primary responsibility for seven state forests generally referred to as the "southern forests" (Point Beach, Havenwoods and five units of the Kettle Moraine State Forest). In addition the state owns a number of state parks and trails that are operated and maintained by local governments. The Division of Forestry would be responsible for the operation of six major state forests and several smaller forest properties; three tree nurseries; local governmental and private forestry assistance; forest health and fire management; and grants, loans and payments to certain towns, counties and private forest owners. The Division of Fish, Wildlife and Recreation would be responsible for state fishing, hunting and recreational lands and programs (including the stewardship program); wildlife damage; invasive species; habitat management; endangered resources; recreational and conservation law enforcement; and recreational vehicle programs.

Environmental Agency. The core of the Department of Environmental Management (DEM) would be formed by the current Division of Air and Waste (which includes the DNR Bureaus of Air Management, Waste Management, and Remediation and Redevelopment), as well as the Bureaus of Watershed Management and Drinking Water and Groundwater. It would also include the part of the Bureau of Fisheries Management and Habitat Protection that relates to dam, lake, river and wetlands regulation under the Division of Water, and the Bureau of Cooperative Environmental Assistance (which provides a contact point for businesses on pollution prevention, waste minimization and small business assistance) in the CAER Division. In addition, the environmental aids administered by DNR (such as grants for nonpoint source water pollution abatement, lake and river protection, drycleaner environmental response reimbursement, recycling, well compensation, clean water fund, safe drinking water, land recycling and brownfields) and all environmental and water quality-related debt service would be placed in the environmental agency (such as nonpoint source, environmental remediation, wastewater treatment programs that preceded the clean water fund and former drinking water programs).

Segregated funding from the environmental, recycling, petroleum inspection, drycleaner environmental response and environmental improvement funds would be transferred to DEM. In addition, funding from the water resources account of the conservation fund related to dam

safety, water regulation, and lake and river grants and associated administration would be transferred. Program revenue and general purpose revenue funding that is identifiable as being for an environmental purpose, such as fees for air management, solid and hazardous waste, storm water management and wastewater discharge would be transferred to the environmental agency. Federal grants related to environmental purposes would also be transferred to DEM, including those for air management, hazardous waste administration, Superfund, wastewater and drinking water.

The DEM Division of Air and Waste would include programs such as air management, solid and hazardous waste management, landfill licensing, recycling, mining, contaminated site cleanup, brownfields, hazardous substances spills response, federal Superfund and federal Resources Conservation and Recovery Act corrective action. The Division of Water would include programs related to nonpoint source and runoff management; surface and groundwater quality standards; wastewater facility and discharge permits; public sewer system plan review; water quality modeling; dam safety; water regulation and zoning; wetland, floodplain and shoreland management; watershed planning; and public and private drinking water system plan review.

Agency Structure. Currently, the Governor with the advice and consent of the Senate appoints the DNR Secretary. Prior to 1995 Act 27, the DNR Secretary was appointed by the Natural Resources Board and served at the Board's pleasure. Under the provisions of this amendment, the Governor would appoint a seven-member Fish, Wildlife, Parks and Forestry Board with Senate confirmation for staggered six-year terms. At least three members would be from the territory north, and at least three from the territory south, of a line running east and west through the southern limits of Stevens Point (similar to the current DNR Board). A Secretary appointed by the Board with the approval of the Governor would head the conservation agency. The Secretary would appoint three unclassified Division administrators and an unclassified chief warden (in addition to a Deputy Secretary and an executive assistant). The Governor would appoint a seven-member Environmental Management Board with Senate confirmation for staggered six-year terms. A Board member could not be the holder of a permit issued by the environmental agency (similar to the current DNR Board). The Board would appoint the Secretary, subject to the Governor's approval, to administer the environmental agency. The Secretary would appoint an unclassified Deputy Secretary, executive assistant and two unclassified Division administrators. Under this amendment, the Governor could appoint, and the Senate could confirm, members to each of the Boards beginning on January 1, 2002. Once constituted, each Board could appoint a Secretary, subject to the Governor's approval, who could take office beginning on July 1, 2002.

Split Functions. The Divisions of Enforcement and Science, Administration and Technology and Customer Assistance and External Relations all contain functions that would be necessary for both an environmental and a conservation agency. All of the funding appropriated and positions authorized for these purposes from the conservation fund would be assigned to the conservation agency (except that a portion of water resources account funding

relating to lake and river management, dam safety and wetland mapping, and associated administrative expenses would be provided to the environmental agency), while segregated funding for environmental purposes (including the environmental, recycling, petroleum inspection and drycleaner environmental response funds) would be assigned to the environmental agency. To the extent that federal, program revenue and general purpose revenue funding are identifiable as being for either an environmental purpose (such as program revenue funding from air management fees) or a conservation purpose (federal funding providing for boating law enforcement), the funding and positions would be assigned to the respective agencies.

With respect to the current DNR Division of Enforcement and Science, the funding and positions in the GPR and PR general program operations appropriations would be divided between the proposed agencies based on the proportion of positions in the GPR or PR general program operations appropriation more closely identifiable with a conservation purpose (such as a conservation warden or a natural resources research scientist) or with an environmental purpose (such as an environmental enforcement specialist or environmental analysis and review specialist). Functions in the Division of Enforcement and Science that would be transferred to the environmental agency include (a) environmental enforcement, (b) laboratory certification, (c) certification of operators of wastewater treatment systems, water supply systems, incinerators, sanitary landfills and septage servicing operators, and (d) collection of environmental fees.

Federal funding in the Division of Administration and Technology and the Division of Customer Service and External Relations would be primarily divided between the proposed agencies based on past expenditure patterns (under current law an agency may seek DOA approval to adjust staffing levels and spend the amounts actually received by that agency from federal grants). GPR general program operations funding and positions in these two divisions would be divided based either on the proportion of GPR staff in each of the proposed agencies or on past expenditure patterns where available. PR general program operations funding and positions that were not readily identifiable with a single agency would be divided based on the proportion of all funding in each of the proposed agencies.

Agency Budgets. The amendment would have no fiscal effect in 2002-03, as current appropriations and positions would be allocated to one agency or another. Any move-related costs that may arise as a result of splitting DNR into two agencies would be absorbed in the agencies' base budgets. The resulting split between the conservation and environmental agencies is shown in the following table. The table demonstrates how the 2002-03 funding under the Governor's biennial budget recommendations (SB 55) for DNR (\$469.5 million) would be allocated between the two agencies on July 1, 2002 (fiscal year 2002-03). The operational budget of the conservation agency (excluding aids and debt service appropriations) would be almost \$181 million and 1,900 positions (64% of operations staff and funding of the current DNR), while the operational budget of the environmental agency would be over \$100 million and 1,060 positions (36%). When aids and debt service appropriations are included, the total

budget of the conservation agency would be \$257.3 million (55% of the current DNR), while the total budget of the environmental agency would be \$212.2 million (45%). No later than February 1, 2002, the Legislative Fiscal Bureau would submit a plan for approval by the Joint Committee on Finance that would establish the chapter 20 appropriation levels for the two new agencies for fiscal year 2002-03. The plan would be based on the allocations shown in the table, as adjusted to reflect final appropriations for DNR contained in the 2001-03 biennial budget act.

Agency Disputes. On July 1, 2002, the staff, assets, liabilities and obligations primarily associated with each agency would vest in that agency. If the agencies were unable to agree on an equitable division, the Joint Committee on Finance would settle the dispute at a meeting of the Committee under s. 13.10. The DNR employees who would be transferred to one of the new agencies would maintain all their civil service and other employee rights held prior to transfer. In addition, some minor transfers in appropriations may be necessary as the agencies determine the actual division of staff, facilities and duties. Such transfers, if necessary, could be accomplished either by the Joint Committee on Finance under s. 13.10, separate legislation or in the 2003-05 biennial budget.

#### **2002-03 Agency Funding Based on Governor's Recommendations in SB 55**

	<u>Conservation Agency</u>		<u>Environmental Agency</u>	
	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>
<b>Department of Fish, Wildlife, Parks &amp; Forestry</b>				
<u>Division of State Parks and Trails</u>				
State Parks and Trails	\$15,033,800	165.50		
Southern Forests	4,372,900	46.75		
Parks Administration and Technology	3,511,300	27.10		
Parks Customer Service and Education	1,276,800	18.33		
<u>Division of Forestry</u>				
Forestry	34,640,300	412.44		
Forestry Administration and Technology	8,167,200	78.02		
Forestry Customer Service and Education	2,767,600	29.91		
<u>Division of Fish, Wildlife, and Recreation</u>				
Facilities and Lands Management	14,239,100	144.70		
Fisheries Management	20,539,100	266.82		
Wildlife Management	15,455,500	147.50		
Endangered Resources	2,436,400	21.50		
Law Enforcement & Integrated Science Services	30,127,000	271.67		
Program Administration and Technology	14,656,900	128.46		
Customer Service and Licensing	13,582,500	140.80		
<u>Conservation Aids &amp; Development</u>				
Debt Service and Development	44,164,500			
Conservation Aids	32,366,600			

	<u>Conservation Agency</u>		<u>Environmental Agency</u>	
	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>
<b>Department of Environmental Management</b>				
<u>Division of Air and Waste</u>				
Air Management			\$15,931,300	175.50
Waste Management			7,060,700	100.61
Remediation and Redevelopment			12,265,100	105.00
Air and Waste Program Management			815,900	7.00
Law Enforcement and Integrated Science Services			5,824,700	67.83
Program Administration and Technology			7,951,200	41.29
Customer Service and External Relations			2,595,800	30.64
<u>Division of Water</u>				
Watershed Management and Regulation			\$27,376,500	332.96
Drinking Water and Groundwater			9,794,600	105.75
Program Administration and Technology			7,726,600	54.18
Customer Service and External Relations			3,068,100	38.74
<u>Environmental Aids &amp; Development</u>				
Debt Service and Development			86,330,800	
Environmental Aids			25,445,700	
<b>TOTAL</b>	<b>\$257,337,500</b>	<b>1,899.52</b>	<b>\$212,187,000</b>	<b>1,059.50</b>
Total by Fund Source:				
GPR	51,246,700	149.00	\$122,091,700	377.28
FED	23,560,500	173.53	21,433,600	275.43
PR	10,182,300	36.12	23,240,100	237.51
SEG	172,348,000	1,540.87	45,421,600	169.27
Total--All Funds	\$257,337,500	1,899.52	\$212,187,000	1,059.50

**Conference Committee/Legislature:** Instead of the Assembly provision, create a Department of Forestry (DOF), including all staff, funding, and responsibilities associated with the current Division of Forestry effective on July 1, 2002.

The new Department would be responsible for the operation of six major state forests (Northern Highlands-American Legion, Flambeau River, Black River, Brule River, Governor Knowles and the Coulee Experimental forest) and several smaller forest properties. In addition, DOF would oversee three tree nurseries; local governmental and private forestry assistance; forest health and fire management; and grants, loans and payments to certain towns, counties and private forest owners. Forestry revenues would continue to support the seven state forests generally referred to as the "southern forests" (Point Beach, Havenwoods and five units of the Kettle Moraine State Forest) that would remain under the jurisdiction of the DNR Bureau of Parks for operations and maintenance purposes. The Department of Forestry would have one unclassified division administrator, and the number of division administrators within DNR would be reduced from seven to six.

A Secretary appointed by the Governor with the advice and consent of the Senate would head DOF. The Secretary of the Department of Forestry would be placed in executive salary group six. The Secretary would appoint one unclassified division administrator (in addition to a deputy secretary and an executive assistant). Prior to July 1, 2002, the Governor could appoint a Secretary, subject to Senate confirmation, who could take office beginning on July 1, 2002.

The creation of the new Department would have no fiscal effect in 2002-03, as current appropriations and positions would either be retained in DNR or allocated to the new agency. The funding of the new Department is shown in the following table. The table demonstrates what portion of the 2002-03 funding under biennial budget actions (SB 55), including conference committee actions, would be allocated to the new agency on July 1, 2002 (fiscal year 2002-03). The operational budget of the Department of Forestry (excluding aids and debt service appropriations) would be over \$54.1 million and 619 positions. When aids and debt service appropriations are included, the total budget of the Department of Forestry would be \$68.8 million.

### **2002-03 Agency Funding Based on Enrolled SB 55**

#### **Department of Forestry**

Forestry	\$42,404,200	493.51
Integrated Science Services	901,100	10.03
Forestry Resource Aids	9,250,200	---
Acquisition and Development	5,204,000	---
Forestry Administration and Technology	8,403,700	80.67
Forestry Customer Service and Education	<u>2,680,100</u>	<u>30.36</u>
	\$68,843,300	614.57
<b>Total by Fund Source</b>		
GPR	\$438,200	0.00
FED	1,727,500	3.50
PR	1,553,900	1.48
SEG	<u>65,123,700</u>	<u>609.59</u>
Total	\$68,843,300	614.57

All current revenues to the forestry account of the conservation fund would be provided to DOF and consolidated into a new forestry fund, including the forestry mill tax, revenues from the sale of vehicle admissions stickers related to state forest visitation (including the southern state forests), camping fees generated at state forest properties, seedling sales, and all other income from state forests. General purpose revenue available for the renovation, marking, and maintenance of town or county highways located within the boundaries of property under the jurisdiction of DNR or DOF would be divided between the two Departments based on past

expenditures. Snowmobile and ATV account funding relating to the maintenance of state forests (other than southern forests) would be provided to DOF. Federal funding received by DNR for forestry acquisition or operations would be provided to the new Department as well.

Acquisition and development of land for state forests would remain an eligible use of funds under the Warren Knowles-Gaylord Nelson Stewardship 2000 program. For each fiscal year, DNR and DOF would enter into an agreement establishing: (a) the amount of funding that would be obligated to property development and to local assistance; (b) the amount obligated under the land acquisition subprogram for the acquisition of land for state forests, and for grants to non-profit conservation organizations (NCOs) for this purpose; and (c) the project priorities under the property development and local assistance subprogram. The Secretary of the Department of Administration would resolve any disputes regarding this agreement. Stewardship grants provided to NCOs would require the approval of both DNR and DOF, and would be bound by the same requirements under each Department. The two Departments would also jointly award and administer grants to friends groups for property development activities on Department properties. Disputes regarding the distribution of grants would be resolved by the Secretary of DOA. DNR and DOF would jointly promulgate rules establishing criteria determining which projects were eligible for grants to friends groups. The two Departments would periodically prepare a list of projects on Department properties that were eligible, and include the estimated cost of the project on the list. Consistent with current law, grants would be offered to eligible friends groups before being offered to eligible NCOs.

The Department of Forestry would have the authority to accept and administer, in the name of the state, any gifts, grants, bequests, or devises, including land, interests in land, and funds made available to the Department by the federal government relating to the functions of the Department. Also, DOF may extend or consolidate lands or waters suitable for the state forests by the exchange of other lands or waters under its supervision. The Department may accept donations of buildings, facilities, and structures to be constructed upon lands owned by the state in the state forests under its jurisdiction, and may grant easements to parts or parcels of areas of the state forests. Any easement granted would be required to have the necessary restrictions to preserve and protect the land for the purpose for which it was acquired or made part of the state forest lands. The Department may acquire any easement for the benefit of any area in the state forests.

If there are areas in state forests that are inaccessible because they are surrounded by lands not belonging to the state, and if DOF determines that the usefulness or value of these areas would be increased if there were access to them over land not belonging to the state, the Department may acquire the land necessary to furnish access (the same power currently granted to DNR).

The Department would have the authority to designate special use areas (including trails, campgrounds, and picnic areas) within state forests, and may indicate these locations on maps or signs posted at DOF offices or at the special use area. DOF would be required to inspect trail

signs and designated features twice each year, once before July 1 and once after July 1. The inspection requirement would not apply to snowmobile trails on land under the control of DOF that are maintained by snowmobile clubs or other non-profit organizations.

Forestry fund support of wildlife management and habitat development in forested areas (including grants and development and planning projects on county forest lands) would be managed by DOF, as would private and county forestry, urban land conservation, managed forest law, fire suppression and county forest administrator grants. DOF would continue to provide a grant to (and receive reports from) a non-profit, non-stock urban conservation organization, as well as funding for a nonprofit association whose purposes include the acquisition of property for conservation purposes and a non-stock, non-profit corporation that was created to accept and to utilize private contributions made to protect and enhance the state's natural resources. Distribution and management of federal national forest income payments would also be the responsibility of DOF.

The Department of Forestry would pay aids in lieu of taxes for properties under its jurisdiction as well as debt service for the acquisition and development of state forests. A forestry land endowment fund (consisting of gifts, grants, and bequests made for the purpose of acquiring or improving land for state forests) would be created to parallel the DNR's natural resources endowment fund. All funds received as gifts, grants, or bequests for the state forestry system in a biennium would be included in the Department's statement of receipts, and DOF may acknowledge the receipt of funding from a particular person or organization in any Department pamphlet, bulletin, or other publication.

Other responsibilities transferred from DNR to DOF would include gypsy moth eradication, plant protection (including nursery regulation and control of pest plants), forestry education and grants to cooperatives, support of the Wisconsin Conservation Corps, forestry-related environmental education grants, reforestation, forestry recording fees, forest fire emergencies, and repairs and reimbursements received related to timber sales contract oversight. The new Department would support the resource aids (such as private forest grants, county forest project loans, and aids in lieu of taxes) that the forestry account provided while operating under DNR. In addition, DOF would assume responsibility for the same portion of administrative facilities and debt service payments that were previously funded from the forestry account of the conservation fund.

The Department of Forestry would have the authority to determine the value of lands donated to the State that was within the boundaries of a state forest under the Department's jurisdiction. The Department of Natural Resources would be authorized to engage in environmental clean-up activities on lands under the control of DOF. The Department of Forestry would have the authority to lease land in state forests to towns, villages, or counties for outdoor recreational purposes associated with spectator sports.

In addition, DOF would be required to meet current law requirements allowing individuals purchasing an approval, product, or service to opt out of any list that the Department might furnish to another party. This restriction would not apply to lists that DOF might provide to another state agency, a law enforcement agency, or to the federal government. However, any state agency receiving a list containing a personal identifier of any individual who has elected to remove himself or herself from lists distributed to other parties may not disclose the information to any person other than another state agency, a law enforcement agency, or to the federal government.

DNR would consult with DOF regarding policies affecting outdoor recreation. Also, DNR may cooperate with DOF in areas where the Departments' interests and responsibilities overlap, and have the authority to share expenses for such projects. The Department of Forestry would remain eligible for supplemental snowmobile trail aid payments for snowmobile trail maintenance costs incurred for trails on state forest properties. In addition to consulting with the Snowmobile Recreational Council, DNR would be required to consult with DOF regarding recommendations for proposed changes in the succeeding biennium pertaining to appropriations and laws that affect snowmobiles and snowmobiling.

The agricultural extension division of the University of Wisconsin would cooperate with county rural planning committees, as well as DOF, DNR, DATCP, and DOA for the purpose of rural planning efforts. The Board of Commissioners of Public Lands, DNR and DOF may select from the state forest reserves a quantity of land not to exceed 5,000 acres for conversion into farms for state prisons.

The Department of Justice would furnish all legal services required by DOF, together with any other services, including stenographic and investigational, as are necessarily connected with legal work. The DOA Division of Hearings and Appeals may assign a hearing examiner to preside over any hearing of a contested case which would be required to be conducted by DOF and which is not conducted by DOF. The Department of Forestry would be required to notify the Division of Hearings and Appeals of every pending hearing to which the administrator of the Division is required to assign a hearing examiner. The administrator may set the fees charged for services rendered to DOF by the hearing examiner. If the hearing examiner would render a final decision in a contested case, and the decision is subject to judicial review, DOF may petition for judicial review.

By March 31 of each year, DOF would be required to submit a plan to the Land Information Board at DOA integrating land information in a readily translatable and retrievable format to be geographically referenced for use by any state or local governmental unit or public utility for comprehensive planning purposes.

With respect to the management of forest pests, the Secretary of DOF, with the Secretary of DATCP, would execute annually a memorandum of agreement to enable the coordination of pest control work between the two Departments. While conducting surveys to determine the

presence, conditions, and extent of infestations, state forest rangers may enter public and private lands at reasonable times without incurring liability.

The State Fair Park Board would be directed to allow DOF (along with DNR) access to and use of buildings, facilities, and exhibits under its control so the Departments may prepare and display exhibits during events occurring at State Fair Park.

The Department of Forestry and the Department of Commerce would be required to comply with plans developed by DNR and Commerce to establish a lake states wood utilization consortium to provide research, development, and demonstration grants to enhance the forest products industry in Wisconsin and other states.

When granting leases of parts of public land for the purpose of mining or timber sales, the Board of Commissioners of Public Lands may consult with DNR or DOF. Also, DOF would provide information regarding public lands to the Board at its request for purposes relating to the lease of public lands.

Under the provisions of the new Department, state forest rangers would be classified as law enforcement officers, and would have the authority to enforce regulations pertaining to recreational vehicles on property under the Department's jurisdiction. DOF would have the authority to designate corridors through land under its jurisdiction for ATV and snowmobile trails, and would be responsible for the maintenance of existing trails on state forest property. In addition, the Department would have the authority to provide police supervision over all areas within state forests. Forest rangers or representatives in charge of any area within the state forest system may arrest, with or without warrant, any person within the forest who commits an offense against the laws of the state or who violates any rule or regulation of the Department in force in the area, and deliver the person to the proper court of the county where the offense was committed. The forest ranger would execute the complaint charging the person with the offense committed, and the district attorney of the county would prosecute such actions. In general, a state forest ranger, town chairperson, conservation warden, or other duly appointed deputy may do any of the following: (a) arrest a person, with or without a warrant, when the person is detected actually committing a forestry-related violation, or a violation relating to illegal fireworks, burning material, the unsafe burning of buildings, interfering with fire-fighting, causing false alarms, arson, placing any combustible or explosive material or device with the intent to set fire or blow up property, or who possesses, manufactures, sells, offers for sale, gives or transfers a bomb; (b) arrest a person, with or without a warrant, whom the ranger, chairperson, or deputy has reason to believe is committing or has committed one of the previously listed violations.

Foresters, forest supervisors, state forest rangers and the cruisers and foresters of the Board of Commissioners of Public Lands would be authorized to seize any forest products unlawfully severed from public lands of the state, federal lands leased to the state, county forest lands, or lands enrolled under forest crop or managed forest law programs. State forest rangers

would have the authority (along with conservation wardens and town chairpersons) to take prompt measures against the illegal setting of forest fires, and may call upon able-bodied citizens to assist as needed. All such individuals in the course of fighting a forest fire may go onto privately owned lands, set backfires, dig trenches, cut fire lines, or carry on other customary activities in the fighting of forest fires without incurring liability. Also, any state forest ranger, conservation warden, sheriff or duly appointed authority may require any train causing (or suspected of causing) fires to stop within a safe distance from the fires to avoid further setting or spreading the fire.

As law enforcement officers, state forest rangers would have additional general authority, including the inspection of boats purchased out-of-state and reporting boat-related accidents. In addition, upon finding any unregistered motor vehicle on any highway, a state forest ranger may cause the motor vehicle to be immobilized with an immobilization device or removed to a suitable place of impoundment, and notify the sheriff or chief of police of the location of the vehicle and the reason for immobilization or impoundment. A state forest ranger may operate an official vehicle on a highway during the hours of darkness without lighted headlights, tail lamps, or clearance lamps in the performance of his or her duties. However, state forest rangers are not considered law enforcement officers for the purpose of enforcing regulations regarding crimes against animals.

As law enforcement officers, forest rangers would continue to be considered protective occupation participants. All individuals appointed as law enforcement officers in DOF must have satisfactorily completed a program of law enforcement training approved by the Law Enforcement Standards Board, including a minimum of 240 hours of enforcement training, and training to deal with domestic abuse incidents. Training requirements include emergency detention standards and procedures, police pursuit, driving techniques, emergency protective placement standards and procedures, and information on mental health and developmental disabilities agencies and other resources that may assist the officer. The total period of time which a person may serve as a law enforcement officer on a probationary basis without completing law enforcement training may not exceed two years for full time staff and three years for part-time staff. A state forest ranger is eligible for hazard pay while engaged in the following activities: (a) driving or riding in a vehicle, aircraft or boat under circumstances which require hazardous maneuvering or speed in excess of the normal or posted limits in the performance of fire control duties; (b) engaged in an effort to save lives, recover dead bodies, or protect public or private property; (c) going to or returning from a fire and while engaged in the suppression of a fire; (d) engaged in public demonstration or training exercises provided such demonstration or training exercises are authorized by the appointing authority; and (e) in the process of making an arrest or investigating any violation or suspected violation of the law or the quelling of a riot or any other violence. As such, if a state forest ranger or conservation field employee of DOF subject to call for fire control duty suffers injury while in the performance of duties, the employee would continue to be fully paid by DOF upon the same basis as paid prior to the injury, with no reduction in sick leave credits, compensatory time for overtime accumulations or vacation and no reduction in the rate of earning sick leave credit or vacation.

Anyone resisting or obstructing a ranger in the performance of their duties or falsely impersonating a forest ranger may be fined not more than \$10,000, imprisoned for not more than nine months, or both.

The Department of Forestry would, together with DNR, retain the right to approve potential National Forest boundaries, as well as the right to enter into leases, treaties, or cooperative agreements with the federal government for the establishment of state forests. Like the Board of Commissioners of Public Lands and DNR, DOF would be required to keep the Governor informed of its actions and activities upon request. The Governor's approval would also be required before any new lands were acquired by DOF. The Department of Forestry would be required to meet the same conditions as DNR regarding the sale or trade of publicly held land under its jurisdiction. The Secretary of DOF (or his or her appointed representative) would serve as a non-voting liaison to the Wisconsin Conservation Corps board. Both DNR and DOF would continue to work with the Natural Areas Preservation Council regarding the acquisition and development of state natural areas.

On July 1, 2002, the staff, assets, liabilities and obligations primarily associated with DOF would vest in that agency, as determined by the Secretary of DOA. If either DNR or DOF were dissatisfied with the Secretary's determination, the Joint Committee on Finance would settle the dispute at a meeting of the Committee under s. 13.10. All incumbent employees holding positions in DNR relating primarily to the functions of the Division of Forestry (as determined by the Secretary of DOA) would be transferred to DOF. The Secretary of DOA would also determine which incumbent employees holding positions in DNR that relate primarily to general administration and program support would be transferred to DOF. If either Department were dissatisfied with the Secretary's determination, that Department could bring the matter to the Joint Committee on Finance for consideration. Upon determination of these employees, the Secretary of DNR and the Secretary of DOF could request the Joint Committee on Finance to transfer monies between the GPR, FED, PR, and SEG appropriations for DNR and DOF, if necessary to adjust previously allocated costs in accordance with the transfer of personnel. The DNR employees who would be transferred to DOF would maintain all their civil service and other employee rights held prior to transfer.

All contracts entered into by DNR in effect on July 1, 2002, that are primarily related to the functions of the Division of Forestry (as determined by the Secretary of DOA), would remain in effect and be transferred to DOF. All rules promulgated or orders issued by DNR that are primarily related to the functions of the Division of Forestry (as determined by the Secretary of DOA) that are in effect on that date would remain in effect until their respective expiration dates or until modified, amended or repealed by DOF. Any matter pending with DNR on July 1, 2002, that are primarily related to the functions of the Division of Forestry (as determined by the Secretary of DOA), would be transferred to DOF and all materials submitted to or actions taken by DNR with respect to the pending matter are considered as having been submitted to or taken by DOF. In any of the above matters, if either Department were dissatisfied with the

Secretary's determination, that Department could bring the matter to the Joint Committee on Finance for consideration, and the Committee may affirm or modify the decision.

**Veto by Governor [B-35]:** Delete the provision. As a result of the partial veto, no funding is provided for DNR forestry operations (including the operation of southern state forests) during the second year of the biennium. However, the DNR appropriations remain in statute. As a result of the partial veto, funding of \$68.8 million and 614.57 positions for the operation of the Department of Forestry were eliminated. In addition, the Governor vetoed \$4.4 million and 46.75 positions that would have been provided from a new Forestry Fund to support the operations of southern state forests (in conjunction with the DNR Bureau of Parks). However, an estimated \$2.5 million in DNR forestry aids, aids in lieu of property taxes, and debt service payments would continue to be paid from sum-sufficient appropriations associated with the DNR Division of Forestry. In his veto message the Governor requests DNR to review its forestry related staff and funding needs for 2002-03 and either submit corrective legislation or a request for supplemental funding under s. 13.10 of the statutes.

In addition, as a result of the Department of Forestry veto, the allocation of the revenue derived from an increase in the per-seedling surcharge received by DNR for forestry education and curriculum would be changed. Under Enrolled SB 55, up to \$300,000 in 2001-02 would have funded the appropriation supporting forestry education curriculum development in cooperation with UW-Stevens Point, with remaining revenues from the seedling surcharge going to support forestry education for the public (estimated at \$125,000 in 2001-02). In subsequent years, revenue from the seedling surcharge would have been divided evenly between the two appropriations (estimated at \$318,700 for each appropriation in 2002-03 in the Department of Forestry). The partial veto deletes the specification that the appropriations each receive 50% of revenues beginning in 2002-03. Rather, the provision specifying that the appropriation supporting forestry education curriculum development would receive up to \$300,000 in 2001-02 only, is made ongoing by deleting the references to fiscal year 2001-02. Therefore, the appropriation supporting forestry education curriculum development will receive up to \$300,000 from seedling surcharge revenues, with all remaining revenues supporting forestry education for the public.

[Act 16 Sections: 585j and 1149m]

[Act 16 Vetoed Sections: 1bg, 1br, 99m, 178f, 179t, 183m, 343p, 394 (as it relates to s. 20.375), 395 (as it relates to ss. 20.370(1)(mv)&(mx) and 20.375), 425c, 458m, 582i, 582j, 584d, 584h, 584p, 584t, 585gm, 585hm, 585im, 589g, 591m, 591q, 591r, 591s, 600p, 603i, 603m, 603p, 603rd, 603rf, 603rk, 603rn, 603rp, 603rs, 603rw, 603ub, 603x, 604m, 608e, 608m, 608s, 621b, 621hc, 621hL, 621hx, 629db thru 629fm, 632g, 753m, 759p, 962b, 969eg, 988m, 1034fb thru 1034fyr, 1034hm, 1034r, 1036b thru 1036bv, 1036f, 1036x, 1036yi, 1036yj, 1036yk, 1036yL, 1036ym, 1036yn, 1036yp, 1037m, 1038bb, 1038bd, 1038be, 1038bg, 1038bi, 1038bk, 1038bm, 1038bp, 1038br, 1038dc, 1038dm, 1038p, 1038qc, 1038sam, 1038sb, 1038sc, 1038sd, 1038se, 1038sf, 1038sg, 1038sh, 1038si, 1038sj, 1038sk, 1039aj, 1042kb, 1042kd, 1042kn, 1042kp, 1042kpm, 1042kr, 1042ks, 1042kt, 1042ku, 1042kv, 1046m, 1066am, 1066atg, 1066ati, 1066atv, 1066atz, 1066aui, 1066auk, 1067g,

1067r, 1107g, 1107r, 1113g, 1113r, 1119c, 1119g, 1119L, 1119p, 1119t, 1119x, 1146g, 1146r, 1146t, 1146u, 1147m, 1147r, 1148c, 1148f, 1148j, 1148r, 1149b, 1149c, 1149d, 1149e, 1149g, 1149h, 1149i, 1149j, 1149k, 1149L, 1149Lb, 1149Ld, 1149m, 1149md, 1149rx, 1153h, 1153ic thru 1153it, 1153Lb thru 1153Lu, 1153nc thru 1153nrx, 1153pc thru 1153pr, 1153qc, 1153r, 1153rm, 1153sc thru 1153ym, 1261r, 1266m, 1304g, 1304r, 1306m, 1319m, 1328m, 1346g, 1346r, 1387e, 1389r, 1398ym, 1405g, 1414g, 1993z, 2001nm, 2003mn, 2019g, 2019mn, 2020m, 2021g, 2021p, 2022tb, 2114gb, 2114gd, 2114ge, 2114gf, 2114gj, 2114gk, 2114gL, 2114gn, 2114gp, 2115m, 2195m, 2243b thru 2243zm, 2247c, 2247pg, 2247q, 2247r, 2247tg, 2247tj, 2247tk, 2247tm, 2247tn, 2247tp, 2247tr, 2247tt, 2247tu, 2294j, 2294m, 2294pm, 2304g, 2308p, 2308sc, 2349m, 2586r, 2672m, 2813m, 2854r, 2858no, 3035c, 3035g, 3035n, 3035r, 3035w, 3050g, 3050r, 3080m, 3081d, 3081t, 3389gm, 3390m, 3407w, 3408w, 3445c, 3445d, 3457m, 3483m, 3484m, 3485c, 3485g, 3485n, 3485r, 3485w, 3491d, 3491h, 3491p, 3491t, 3816p, 3866d, 3866h, 3866p, 3866t, 3984t, 4034yu, 9137(9zw)&(9zy) and 9437(1z),(3mk)&(3mkx)]

#### 4. DEBT SERVICE REESTIMATES [LFB Paper 266]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$12,008,300	- \$5,003,900	\$7,004,400
SEG	406,300	0	406,300
Total	\$12,414,600	- \$5,003,900	\$7,410,700

**Governor:** Provide \$5,697,100 in 2001-02 (\$5,685,800 GPR and \$11,300 SEG) and \$6,717,500 in 2002-03 (\$6,322,500 GPR and \$395,000 SEG) to fund estimates of principal repayment and interest. Debt service payments include repayments associated with increased resource acquisition and development related to the Stewardship programs. The total also includes adjustments for principle repayment and interest for administrative facilities and environmental grant programs, including rural and urban non-point source grants, combined sewer overflow and pollution abatement grants.

**Joint Finance/Legislature:** Delete \$1,856,600 GPR in 2001-02 and \$3,147,300 GPR in 2002-03 to reflect reestimates of principal repayment and interest.

#### 5. FEDERAL AID REESTIMATES

FED	\$102,400
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**Governor/Legislature:** Provide \$70,400 in 2001-02 and \$32,000 in 2002-03 to reflect estimates of federal grants, aids and contracts, as summarized in the following table:

	<u>2001-02</u>	<u>2002-03</u>
<b>Land and Forestry Divisions</b>		
Wildlife Management	-\$43,200	-\$43,200
Forestry	268,700	268,700
Endangered Resources	43,000	43,000
<b>Air and Waste Division</b>		
Waste Management	-253,700	-272,800
Remediation and Redevelopment	-322,300	-334,700
<b>Enforcement and Science Division</b>		
Law Enforcement	142,000	142,000
Integrated Science Services	117,500	117,500
<b>Water Division</b>		
Watershed Management	-160,100	-167,000
<b>Environmental Aids</b>		
Environmental Aids	-75,000	-75,000
<b>Debt Service and Development</b>		
Resource Acquisition and Development	159,800	159,800
<b>Customer Assistance and External Relations (CAER) Division</b>		
Cooperative Environmental Assistance	215,000	215,000
Community Financial Assistance	<u>-21,300</u>	<u>-21,300</u>
Total	\$70,400	\$32,000

## 6. PROGRAM REVENUE REESTIMATES

PR	\$5,538,600
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**Governor/Legislature:** Provide \$2,769,300 annually to reflect an estimate of expenditures based on expected revenues in several program revenue appropriations as follows:

	<u>2001-02</u>	<u>2002-03</u>
<b>Land and Forestry</b>		
Forestry	\$362,800	\$362,800
Endangered Resources	25,000	25,000
Wildlife Management	83,900	83,900
Facilities and Lands	51,200	51,200
<b>Water</b>		
Fisheries Management and Habitat Protection	231,400	231,400
<b>Administration and Technology</b>		
Administrative and Field Services	-150,300	-150,300
Enterprise Information, Technology, and	1,764,600	1,764,600
<b>CAER</b>		
Communication and Education	359,400	359,400
Community Financial Assistance	<u>41,300</u>	<u>41,300</u>
<b>Total</b>	<b>\$2,769,300</b>	<b>\$2,769,300</b>

#### 7. SEGREGATED REVENUE REESTIMATES

SEG	\$72,000
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**Governor/Legislature:** Provide \$36,000 annually in expenditure authority to reflect a reestimate of segregated revenues available from voluntary contributions for lake research.

#### 8. TRANSFERS BETWEEN PROGRAMS AND SUBPROGRAMS

**Governor/Legislature:** Transfer funds and positions between programs and subprograms within DNR as follows:

	<u>2001-02</u>	<u>2002-03</u>	<u>Positions</u>	<u>Fund</u>
<b>Land</b>				
Land Program Management	\$7,700	\$7,700		SEG
Wildlife Management	137,800	137,800	2.0	SEG
Forestry	36,700	36,700		SEG
Southern Forests	5,400	5,400		SEG
Parks and Recreation	5,100	5,100		GPR
	-200	-200		SEG
Facilities and Lands	9,200	9,200		SEG
<b>Air and Waste</b>				
Air Management	-58,000	-58,000	-1.0	PR
Waste Management	12,300	12,300		GPR
	-4,800	-4,800		SEG
Remediation and Redevelopment	12,100	12,100		SEG
Air and Waste Program Management	800	800		GPR
<b>Enforcement and Science</b>				
Law Enforcement	18,000	18,000		SEG
Integrated Science Services	17,000	17,000		GPR
	7,800	7,800		PR
	77,900	77,900	1.0	SEG
Enforcement and Science Management	1,000	1,000		SEG
<b>Water</b>				
Watershed Management	12,700	12,700		GPR
Fisheries Management and Habitat Protection	23,100	23,100		SEG
Drinking Water and Groundwater	-2,000	-2,000		GPR
	12,700	12,700		SEG
Water Integration Team	-100	-100		GPR
Mississippi/Lower St. Croix	-128,200	-128,200	-2.0	SEG
Water Program Management	-200	-200		GPR
	7,500	7,500		SEG
<b>Administration and Technology</b>				
Legal Services	-500	-500		SEG
Finance	-300	-300		SEG
Management and Budget	-1,400	-1,400		SEG
Administrative and Field Services	-700	-700		SEG
Enterprise Information, Technology, and Applications	-45,500	-45,500		GPR
	-19,000	-19,000		PR
	-248,900	-248,900	-1.0	SEG
Human Resources	-300	-300		SEG
<b>Customer Assistance and External Relations</b>				
Customer Service and Licensing	20,700	20,700		SEG
Cooperative Environmental Assistance	-100	-100		GPR
	69,200	69,200	1.0	PR
	10,000	10,000		SEG
Communication and Education	100	100		SEG
Community Financial Assistance	3,100	3,100		SEG
CAER Program Management	<u>2,300</u>	<u>2,300</u>		SEG
<b>Total (All Funds)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>	

Position transfers result primarily from three policy changes. First, the Mississippi/Lower St. Croix subprogram is being eliminated and the functions re-integrated into the Water and Lands Divisions. Second, wildlife managers currently funded from the forestry account would be transferred to the fish and wildlife account. Third, DNR is continuing to expand the positions permanently assigned as business sector specialists in the Bureau of Cooperative Environmental Assistance. A permanent transfer is being substituted for the previous practice of using a series of temporary reallocations of staff time.

The remaining transfers generally fall into three categories. The Department has supported increased library costs for the past seven years using a departmentwide charge to the subprograms at the beginning of each fiscal year. These transfers will instead substitute a permanent base transfer to support the cost of library operations. In addition, base funding for telecommunications operations is being moved from the Bureau of Enterprise Information Technology and Applications to the individual subprograms so that subprograms can be billed directly for these costs. Further, funding for the FACT system would be moved to the Bureau of Cooperative Environmental Assistance, which is now responsible for its operation.

## 9. NATURAL RESOURCES SECRETARY APPOINTMENT

**Senate:** Require the Natural Resources Board to appoint the Secretary of the Department of Natural Resources. This provision would restore the pre-1995 authority to appoint the DNR Secretary. Under current law, the Secretary is nominated by the Governor, and with the advice and consent of the Senate, appointed to serve at the pleasure of the Governor. This provision would take effect on the effective date of the bill.

**Conference Committee/Legislature:** Delete provision.

## 10. LANDS MAINTENANCE AND OPERATIONS

SEG	\$1,920,400
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**Governor/Legislature:** Provide \$960,200 SEG annually split funded from the fish and wildlife, forestry, and parks accounts of the conservation fund to improve management, operation, and maintenance of the department's wildlife, public access, and natural areas. These expenditures would include maintenance of basic infrastructure, planning for the management and public use of DNR properties, and designing and constructing facilities that support public use. This would also cover the cost of contracting for certain types of routine property maintenance, funding to contract for property master plans, monies for limited-term employees (LTEs), and operations funding. Funding would be used, in part, for maintenance and operations at several large acquisitions that have been made by DNR recently, including the Great Addition and properties on the Turtle-Flambeau and Willow Flowage.

## 11. ADMINISTRATIVE FACILITIES AND RENT [LFB Paper 630]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
FED	\$264,300	\$0	\$264,300
SEG	<u>1,208,500</u>	<u>- 100,000</u>	<u>1,108,500</u>
Total	\$1,472,800	- \$100,000	\$1,372,800

**Governor:** Provide \$734,900 in 2001-02 (\$137,500 FED, \$342,000 SEG from the conservation fund, \$211,800 SEG from the environmental fund, \$20,000 SEG from the environmental improvement fund, and \$23,600 from the petroleum inspection fund) and \$737,900 in 2002-03 (\$126,800 FED, \$348,300 SEG from the conservation fund, and \$219,700 SEG from the environmental fund, \$20,000 SEG from the environmental improvement fund, and \$23,100 from the petroleum inspection fund). Of the funds provided, \$470,800 in 2001-02 and \$478,000 in 2002-03 would address cost increases at existing facilities as well as costs associated with new service centers opening in the 2001-03 biennium. These costs include building maintenance, utilities, janitorial services, grounds maintenance, and office equipment. An additional \$50,000 annually is provided to cover anticipated cost increases in the lease costs for replacement of four Cessna 337/Skymaster aircraft. These aircraft are used by DNR for fire control detection and suppression, fishing and hunting law enforcement, ozone monitoring, wildlife surveys, aerial photography, search and rescue missions, and to support statewide operations such as gypsy moth spraying and Department of Justice investigations. The remaining \$214,100 in 2001-02 and \$209,900 in 2002-03 would be used to cover increased rental costs at several DNR properties. Additional space would be rented in the Green Bay and Baldwin DNR facilities, and leases of new construction are occurring in Plymouth, Ashland, Wautoma, and Waukesha. Additional lease costs are also occurring at the LaCrosse DNR center, due to remodeling.

**Joint Finance/Legislature:** Delete \$50,000 SEG annually split-funded from eight accounts of the conservation fund associated with airplane lease costs.

## 12. ADMINISTRATIVE FUNDING FROM THE CONSERVATION FUND [LFB Paper 634]

**Joint Finance/Legislature:** Require DNR to submit a report to the Joint Committee on Finance under s. 13.10 by March 1, 2002, detailing the rationale for its current administrative funding distribution, or on alternative distribution and demonstrating the equity of its assignment of costs in terms of benefits received by individuals whose user fees support the conservation fund account. Under 1999 Act 9, DNR is prohibited from expending more than 16% from the fish and wildlife account of the conservation fund for administrative purposes, including department administration and support services and division administration.

**Veto by Governor [B-85]:** Delete provision. However, in his veto message the Governor requests DNR to review its methodology and to share this information with interested parties.

[Act 16 Vetoed Section: 9137(4y)]

### 13. ALIS/TIME CONNECTION

SEG	\$220,000
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**Governor/Legislature:** Provide \$195,000 SEG in 2001-02 and \$25,000 SEG in 2002-03 split funded from the fish and wildlife, forestry, and parks accounts of the conservation fund to purchase computer equipment that would allow DNR to access and add information to the Department of Justice's TIME system. TIME is a database system that contains records on an individual's driver and vehicle information as well as arrest history. The system also provides information on stolen boats, vehicles, guns, and other articles. DNR is able to contribute licensing records, identification, and verifications to the TIME system through the automated license issuance system (ALIS). This combined system would allow law enforcement officials, including DNR's wardens, to access information on individuals (such as whether a current hunting or fishing license has been issued, or whether past violations have occurred) or vehicles which are stopped due to apparent violations. Funds in 2001-02 would be used to purchase equipment, and the funds received in 2002-03 would be used to provide ongoing support for the system.

### 14. LICENSING LTE FUNDING [LFB Paper 631]

	Governor (Chg. to Base)	Jt. Finance (Chg. to Gov)	Legislature (Chg. to JFC)	Net Change
SEG	\$751,000	- \$751,000	\$750,000	\$750,000

**Governor:** Provide \$375,500 SEG annually split funded from the fish and wildlife, boat, snowmobile, and ATV accounts. Funding would be used to increase the Bureau of Customer Assistance and External Relations' limited-term employee (LTE) salary base to reflect actual costs incurred, and to increase by 15% the average hourly rate received by the Bureau's LTEs in efforts to improve recruitment and retention.

**Joint Finance:** Delete provision.

**Senate/Legislature:** Provide \$375,000 SEG annually split funded from the fish and wildlife, boat, snowmobile and ATV accounts for costs associated with the Bureau of Customer Assistance and External Relations' LTEs.

**15. PRINTING, MAILING, AND DATA ENTRY FUNDING**

SEG	\$601,800
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**Governor/Legislature:** Provide \$300,900 annually split-funded from the fish and wildlife, boat, snowmobile, and ATV accounts of the conservation fund for increases in printing, mailing, and data-entry costs related to recreational licenses and vehicle registration.

**16. GRANT ADMINISTRATION SUPPORT STAFF**

SEG	\$40,000
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**Governor/Legislature:** Provide \$20,000 SEG annually split funded from all accounts of the conservation fund except endangered resources and Natural Resources magazine for additional limited-term employee (LTE) grant administration support. These staff would be available to support resource grant management programs, including Stewardship 2000, the lakes and rivers grants programs, and the forest fire protection grant program.

**17. PAYROLL SYSTEM UPGRADE**

SEG	\$30,000
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**Governor/Legislature:** Provide \$30,000 SEG in 2001-02 split-funded from all accounts of the conservation fund except endangered resources and Natural Resources magazine to complete development and initiate operation of a new payroll system. This is the second phase of the payroll re-engineering projected which was included in the 1999-01 biennial budget. In the previous biennium, DNR received \$50,000 for a study to determine whether the Department's payroll system could be upgraded to reduce manual processing and to become more efficient.

**18. STEWARDSHIP PROGRAM BONDING**

BR	\$112,000,000
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**Assembly:** Reduce available bonding authorization under the Warren Knowles-Gaylord Nelson Stewardship 2000 program by an amount equal to 5% of the total debt service repayment for the previous fiscal year for conservation-related land acquisition. Based on estimated debt service repayments totaling \$22.15 million in 2000-01 and \$20.0 million in 2001-02, available bonding authority under Stewardship 2000 would be reduced by \$1,107,500 from \$46 million to \$44.9 million in 2001-02 and by \$1,000,000 to \$45 million in 2002-03. The reduction would be taken from both the land acquisition (75%) and the property development and local assistance (25%) subprograms.

**Senate/Legislature:** Increase bonding authorization for the Warren Knowles-Gaylord Nelson Stewardship 2000 program from \$46 million to \$60 million per year from fiscal year 2002-03 through 2009-10. Of the \$60 million, \$45 million would be allocated annually for the land acquisition subprogram (from \$34.5 million currently) and \$15 million for the property development and local assistance subprogram (from \$11.5 million currently). Under current law, at least \$3.5 million of these funds must be spent on property development and up to \$8 million may be provided for local assistance. Under this provision, at least \$7 million would be

available annually for property development and up to \$8 million for local assistance. The provision would increase total general obligation bonding authority for the stewardship 2000 program from \$460 million to \$572 million.

[Act 16 Sections: 962, 962m, 1034L, 1034m and 1034q]

## **19. STEWARDSHIP URBAN PURCHASES**

**Assembly:** Beginning with available bonding authority for 2001-02, require that 10% of all available funds for land acquisition under the Warren Knowles-Gaylord Nelson Stewardship 2000 program be provided to acquire land in incorporated areas and that each acquisition of land or easement be consistent with the local comprehensive land use plan of the community where the property or development rights to be purchased are located.

**Conference Committee/Legislature:** Delete provision.

## **20. STEWARDSHIP EASEMENT LIMITATION**

**Assembly:** Prohibit DNR from entering into any agreement to purchase development rights or conservation easements with funds from the Stewardship 2000 program if the agreement would allow DNR to retain the development rights or easement for longer than 30 years.

**Conference Committee/Legislature:** Delete provision.

## **21. STEWARDSHIP PURCHASE NOTIFICATION**

**Assembly:** Require DNR to notify in writing each city, village, or town and county government where any proposed purchase of land or conservation easement lies within its boundaries at least 60 days before the Department completes the acquisition.

**Conference Committee/Legislature:** Adopt the Assembly provision. However, reduce the minimum notification requirement to 30 days (from 60 days) before the Department completes an acquisition.

**Veto by Governor [B-52]:** Delete provision.

[Act 16 Vetoed Sections: 1038q, 1038qc and 9437(1z)]

**22. JOINT COMMITTEE ON FINANCE REVIEW THRESHOLD -- STEWARDSHIP [LFB Paper 632]**

**Governor:** Increase the threshold for DNR land purchases under the Warren Knowles-Gaylord Nelson Stewardship 2000 program that require notification of the Joint Committee on Finance from \$250,000 to \$500,000. DNR must notify the Joint Committee on Finance of projects that exceed the threshold. The Committee has 14 working days after submission to review the project, and if no objections are raised in that time, DNR may proceed. However, if the Co-Chairpersons of the Joint Committee on Finance notify DNR that a meeting has been scheduled to review the request, DNR may only obligate the funding upon approval of the Committee.

**Joint Finance/Legislature:** Delete provision (the current \$250,000 threshold would be maintained).

**23. USE OF STEWARDSHIP APPRAISALS BY ASSESSORS**

**Joint Finance/Legislature:** Require DNR to provide the appraisals of any property acquired under the Warren Knowles-Gaylord Nelson Stewardship 2000 program to the clerk and assessor of the local unit of government where the property is located within 30 days of acquiring the property. Further, direct that assessors would be required to include the information in the appraisal (including comparable sales) when setting land values.

[Act 16 Section: 1035m]

**24. STEWARDSHIP APPRAISAL REQUIREMENTS [LFB Paper 633]**

**Joint Finance/Legislature:** Delete the statutory requirement under s. 23.0917(7)(e) that requires applicants for stewardship grants to submit two appraisals for grants over \$200,000. Instead, require grant applicants to submit at least one appraisal, and require DNR to independently obtain an additional appraisal, separate from any submitted by the applicant (DNR would pay for its appraisal and up to 50% of the applicant's appraisal).

**Veto by Governor [B-51]:** Delete provision.

[Act 16 Vetoed Section: 1035g]

**25. STEWARDSHIP ACQUISITION BY CONDEMNATION**

**Governor/Legislature:** Prohibit the use of funds from the Warren Knowles-Gaylord Nelson Stewardship 2000 program for the acquisition or development of land by a county or other unit of local government or political subdivision if the land involved is acquired through condemnation.

[Act 16 Section: 1036]

## 26. STEWARDSHIP EARMARKED PROJECTS

	Legislature (Chg. to Base)	Veto (Chg. to Leg)	Net Change
SEG	\$250,000	- \$250,000	\$0

**Building Commission:** Require the Department to provide funding for the following projects from the Warren Knowles-Gaylord Nelson Stewardship 2000 Program:

- a. \$2,000,000 from the property development and local assistance subprogram to the State Fair Park Board for infrastructure projects at State Fair Park.
- b. \$1,000,000 from the property development and local assistance subprogram to reconstruct the chalet at Rib Mountain State Park.
- c. \$1,000,000 from the land acquisition subprogram to the University of Wisconsin-Platteville for the construction of a building for the Wisconsin Agricultural Stewardship Initiative.
- d. \$3,000,000 from the property development and local assistance subprogram for the development of Milwaukee Lakeshore State Park.

**Joint Finance:** Require the Department to provide funding for the following projects from the Warren Knowles – Gaylord Nelson Stewardship 2000 program:

- a. \$25,000 from the land acquisition subprogram to the City of Menasha for the purchase of land for a skateboard park facility in Winnebago County.
- b. \$135,000 to acquire conservation easements along the Plover River in Marathon and Portage Counties.
- c. \$250,000 from the property development and local assistance subprogram for the development of a Conservation Law Enforcement Museum. Specify that for every \$1 received by DNR from private grants, gifts, or bequests for the project, \$1 would be provided from Stewardship funds to match the donation, up to \$250,000.
- d. \$250,000 from the property development and local assistance subprogram to the Paper Industry International Hall of Fame, Inc., to renovate the Atlas Mill into the World Paper Center. The Atlas Mill is located on the Fox River in the City of Appleton.

Further, specify that stewardship funding for State Fair Park, the Rib Mountain ski chalet, Wisconsin Agricultural Stewardship Initiative, and Milwaukee Lakeshore State Park may be provided from either subprogram of the stewardship fund, at the discretion of the Department.

**Senate:** Require DNR to provide for the following projects from the Warren Knowles-Gaylord Nelson Stewardship 2000 program:

a. \$60,000 from the property development and local assistance subprogram to the City of Hillsboro for the development of a camping and recreation area adjacent to the Hillsboro and North Eastern Spur Trail. The 4.5 mile trail connects to the "400" State Trail in Union Center.

b. 50% of the cost, up to \$375,000, for the Root River Multi-Purpose Pathway Project to the City of Racine. Funding would be provided from either stewardship subprogram. A matching grant of up to \$750,000 is available under the provisions of the 1999-01 biennial budget, this provision would increase the maximum allowed to \$1,125,000.

c. 50% of the cost, up to \$648,100, from the property development and local assistance subprogram to Milwaukee County for the redevelopment of the beach at Grant Park.

d. \$2,370,000 from either subprogram to the Kickapoo Valley Reserve Management Board for the construction of a visitor center.

e. In addition, prohibit the DNR from adopting or maintaining, by Department policy or by administrative rule, any cap on the total purchase price per parcel or per acre for properties in the Chiwaukee Prairie-Carol Beach National Natural Landmark area. The department indicates that it currently has an informal policy of not paying more than \$6,000 per one-third acre parcel for land in this area (no more than \$18,000 per acre).

Further, delete the Joint Finance requirement that DNR provide funding for the following projects:

1. \$25,000 from the land acquisition subprogram to the City of Menasha for the purchase of land for a skateboard park facility in Winnebago County.

2. \$250,000 from the property development and local assistance subprogram for the development of a Conservation Law Enforcement Museum at the MacKenzie Environmental Education Center. (For every \$1 received by DNR from private gifts, grants, or bequests for the project, DNR would have been required to provide Stewardship funds to match the donation, up to \$250,000.)

3. \$250,000 from the property development and local assistance subprogram to the Paper Industry International Hall of Fame, Inc., to renovate the Atlas Mill into the World Paper Center. The Atlas Mill is located in the City of Appleton.

4. \$2,000,000 from either subprogram to the State Fair Park Board for infrastructure projects at State Fair Park.

Finally, require DNR to provide \$50,000 SEG in 2001-02 from the forestry account of the conservation fund for the completion of development at the Keyes Lake recreational area in Florence County. Under the 1999-01 biennial budget, \$125,000 was provided for this project from the Warren Knowles-Gaylord Nelson Stewardship 2000 program.

**Assembly:** Require DNR to provide \$493,500 from the Warren Knowles-Gaylord Nelson Stewardship 2000 property development and local assistance subprogram to the City of Merrill to restore the exposed lakebed on the Prairie River where the Ward Paper Mill dam previously operated. No local match would be required.

Further, delete the Joint Finance requirement that DNR provide \$135,000 from the Warren Knowles-Gaylord Nelson Stewardship 2000 program to acquire conservation easements along the Plover River in Marathon and Portage Counties.

**Conference Committee/Legislature:** Adopt both the Assembly and Senate provisions with the following changes.

a. Restore the Joint Finance requirement that DNR provide \$25,000 to the City of Menasha for the purchase of land for a skate board park facility.

b. Require DNR to provide \$200,000 (rather than \$250,000) for the development of a Conservation Law Enforcement Museum at the MacKenzie Environmental Education Center.

c. Delete the requirement that DNR provide \$250,000 from the stewardship program to the Paper Industry Hall of Fame, Inc., to renovate the Atlas Mill into the World Paper Center. Instead, provide \$250,000 from the forestry account of the conservation fund for this purpose.

d. Reduce the amount DNR is required to provide to the City of Merrill to restore the exposed lakebed on the Prairie River from \$493,500 to \$450,000.

e. Restore the Joint Finance requirement that DNR provide \$2,000,000 from either subprogram to the State Fair Park Board for infrastructure projects at State Fair Parks.

f. Restore the Joint Finance requirement that DNR provide \$135,000 from the Warren Knowles-Gaylord Nelson Stewardship 2000 program to acquire conservation easements along the Plover River in Marathon and Portage Counties.

g. Require DNR to provide \$50,000 in 2001-02 from either subprogram of the Warren Knowles-Gaylord Nelson Stewardship 2000 program for the completion of development at the Keyes Lake recreational area in Florence County.

**Veto by Governor [B-49, B-53 and B-56]:** Delete the requirement that DNR provide for the following projects:

a. \$60,000 to the City of Hillsboro for the development of a camping and recreational area near the Hillsboro and Northeastern Spur Trail;

b. \$648,100 to Milwaukee County to redevelop the beach at Grant Park;

c. \$25,000 to the City of Menasha for the purchase of land to be used for a skateboard park facility in Winnebago County;

d. \$200,000 in matching funds for the development of a conservation law enforcement museum.

e. \$50,000 for the completion of development at the Keyes Lake recreational area in Florence County;

f. \$135,000 to acquire conservation easements along the Plover River in Marathon and Portage Counties;

Further, delete the provision requiring DNR to provide \$250,000 SEG from the forestry account of the conservation fund to the Paper Industry International Hall of Fame, Inc., to renovate the Atlas Mill into the World Paper Center. Finally, delete the provision prohibiting DNR from adopting or maintaining, by Department policy or by administrative rule, any cap on the total purchase price per parcel or per acre for properties in the Chiwaukee Prairie-Carol Beach National Natural Landmark Area.

As a result of the veto stewardship earmarks that remain in the act include: (a) \$2 million for State Fair Park infrastructure; (b) \$1 million for the Rib Mountain State Park ski chalet; (c) \$1 million for the Wisconsin Agricultural Stewardship Initiative; (d) \$3 million for Milwaukee Lakeshore State Park; (e) \$2,370,00 for the Kickapoo Valley Reserve visitor center (see Tourism); (f) \$450,000 to restore the Prairie River in Merrill; and (g) up to \$375,000 for the Root River Multi-purpose Pathway Project in Racine.

[Act 16 Sections: 1039br, 1039bm, 1039c, 1039d, 1039n, 1039p, 1039t and 1039w]

[Act 16 Vetoed Sections: 395 (as it relates to s. 20.370(5)(ax)), 603rb, 1034h, 1034hm, 1034pm, 1038saq, 1039bv, 1039fm, 1039k, 1039km, 1039m, 1039s, 9107(1)(i) and 9137(8mk)]

## **27. PURCHASE OF CERTAIN PUBLIC USE LAND**

**Joint Finance:** Authorize the Board of Commissioners of Public Lands (BCPL) to invest monies of the trust funds in the purchase of certain public use land, which would be land that: (a) was formerly project land under a hydroelectric project license issued by the Federal Energy Regulatory Commission but which the Commission has determined to no longer be necessary for operation of any hydroelectric facility; and (b) the BCPL determines is suitable for public use, enjoyment, recreation and education. Require that the BCPL have such land appraised before purchase and give consideration to any appraisal of the land that has been made before making an offer to purchase such land. Stipulate that the BCPL may not purchase more than 10,000 acres of land under this authority during any 60-month time period. Provide that the Department of Natural Resources (DNR) must offer to the BCPL, within five years of any such land purchase by the BCPL, land currently owned by the DNR in exchange for such purchased land. Further, specify that if the DNR does not, within the five-year period, offer land of approximately equal value that it owns in exchange for the land purchased by the BCPL under

this provision, then the DNR would be required to buy at fair market value that land that was purchased by the BCPL and the purchase of such land would not be subject to the Governor's approval as new lands acquired by the Department.

**Assembly:** Require the Board of Commissioners of Public Lands to submit a request to the Joint Committee on Finance for approval of any proposed land purchase from Wisconsin Public Service Commission in Marinette County. If, after the Board notifies the Joint Committee on Finance in writing of its intention to purchase the land, the Co-Chairpersons of the Committee do not notify the Board that the Committee has scheduled a meeting for the purpose of reviewing the proposed purchase within 14 working days, the board may purchase the land.

However, if the Co-Chairpersons specify that a meeting has been scheduled to review the purchase, the land may only be purchased upon approval of the Committee.

**Conference Committee/Legislature:** Adopt the Assembly provision. However, in addition, specify that this land exchange transaction would be exempt from current law provisions requiring the Natural Resources Board to make a finding that the DNR lands are no longer needed for conservation purposes before they may be transferred.

**Veto by Governor [B-86]:** Delete provision.

[Act 16 Vetoed Sections: 1039b, 1088e, 1088m and 1088r]

## **28. ACQUISITION AND DEVELOPMENT FUNDS MANAGEMENT**

**Governor/Legislature:** Create a program revenue continuing appropriation for funds received by the Department from DNR and other state agencies for facilities, materials, or services relating to resource acquisition or development. Require that funds in this appropriation be used to pay for expenses associated with those facilities, materials, or services. This provision would also allow DNR to receive and expend federal funds granted to other state agencies and transferred to DNR (such as certain Federal Emergency Management Agency funds granted to the Wisconsin Department of Military Affairs).

[Act 16 Section: 622]

## **29. PROHIBITION OF NUDITY ON STATE OWNED LAND**

**Assembly:** Prohibit intentional nudity on lands that are owned, managed, supervised or controlled by state agencies. The forfeiture for public nudity on state owned or managed lands would not exceed \$1,000.

**Conference Committee/Legislature:** Delete provision.

### 30. PRIVATIZATION OF GIS MAPPING SERVICES

**Assembly:** Require DNR to eliminate staff-supplied geographic information systems mapping services by July 1, 2002. Instead, require DNR to contract with private firms for these services. Under current law, DNR may contract for private services if doing so would be more cost-effective than using DNR staff. This provision would exempt DNR from meeting the "cost effective" requirement relating to GIS contracts.

**Conference Committee/Legislature:** Request the Joint Legislative Audit Committee to direct the Legislative Audit Bureau to review the GIS mapping services provided by DNR. Request that the review include the cost effectiveness of services offered by the DNR as compared to the resources available in the private sector and the degree to which the DNR GIS mapping services compete with private business.

**Veto by Governor [B-84]:** Delete provision.

[Act 16 Vetoed Section: 9132(2z)]

### 31. PRIVATIZATION OF PRAIRIE RESTORATION PROJECTS

**Assembly:** Prohibit DNR from using staff to complete prairie restoration projects. Instead, require DNR to contract with private firms or organizations for prairie restoration work. Under current law, DNR may contract for private work if doing so would be more cost-effective than using DNR staff. This provision would exempt DNR from meeting the "cost-effective" requirement relating to prairie restoration contracts.

**Conference Committee/Legislature:** Delete provision.

### 32. NATURAL RESOURCES BOARD

**Joint Finance/Legislature:** Prohibit an individual from being a member of the Natural Resources Board if the person receives, or has during the previous two years received, a significant portion of his or her income directly or indirectly from holders of or applicants for water pollution discharge permits issued by DNR, except for storm water permits. Further, prohibit the appointment of an individual to the Natural Resources Board if after the appointment of that person a majority of board members would derive a significant portion of their incomes from holders of air pollution permits. In addition, require Board members to inform the Governor in the event that there was a significant change in the income that they derived from persons subject to air pollution permits. Finally, if a member of the Natural Resources Board holds a permit or license issued by DNR under environmental law, currently receives or has received during the previous two years a significant portion of his or her income directly or indirectly from a holder of or an applicant for a permit or license issued by DNR under environmental laws, the board member would be prohibited from engaging in discussion

at a board meeting or participating in board decisions on any matter that substantially relates to the permit or license.

[Act 16 Sections: 179q, 179r and 1038di]

### **33. NATURAL RESOURCES MAGAZINE**

**Senate:** Transfer \$451,400 in 2001-02 (one-time only) from the forestry account to the Natural Resources Magazine account of the conservation fund. In 1999-00, \$451,400 from the Natural Resources Magazine account was used to supplement National Forest Income (NFI) payments to towns after a provision in the 1999-01 biennial budget redirected these federal payments to school districts.

**Conference Committee/Legislature:** Transfer \$200,000 in 2001-02 only from the forestry account to the Natural Resources Magazine account of the conservation fund.

**Veto by Governor [B-62]:** Delete provision.

[Act 16 Vetoed Sections: 624m and 9237(5z)]

### **34. WISCONSIN OUTDOOR WILDLIFE HERITAGE TRUST FUND**

**Senate/Legislature:** Establish a separate non-lapsable segregated trust fund designated as the Wisconsin Outdoor Wildlife Heritage Trust Fund. The trust fund would consist of all gifts, bequests, or other contributions received by DNR for the fund. Trust funds would be available for activities and programs listed in Chapter 29 of Wisconsin State Statutes. These programs and activities would include, but not be limited to, regulation of fish, game, hunting, trapping, and commercial fishing; hunting and trapping education; wildlife refuges, as well as fish and game propagation and stocking; and wildlife damage programs.

**Veto by Governor [B-79]:** Delete provision.

[Act 16 Vetoed Sections: 395 (as it relates to s. 20.370(1)(Lu)), 589i, 1110m and 1119z]

### **35. LITTLE ROCK LAKE**

**Senate/Legislature:** Maintain the restriction of public access to Little Rock Lake and other provisions related to DNR research of acidification on the lake for an additional six years, through January 1, 2008. Little Rock Lake is located near Arbor Vitae in Vilas County. The experiment was begun in 1984.

[Act 16 Section: 1261gk]

### **36. OPEN RECORDS REQUIREMENTS**

**Joint Finance/Legislature:** Limit the effect of 1999 Act 88 provisions that allow an individual to elect to keep certain personal information obtained by DNR from being released to only apply to computerized lists, including those generated through the automated license issuance system (ALIS) and the boat, ATV, and snowmobile registration system (BATS).

[Act 16 Sections: 1066e thru 1066x]

### **37. FOREST LEGACY PROGRAM**

**Joint Finance:** Require DNR to expend at least \$12 million from the Warren Knowles-Gaylord Nelson Stewardship 2000 program, either in land or easement purchases, as matching funds under the federal Forest Legacy Program.

Under the Forest Legacy program, federal funding is available to acquire land or purchase easements to prevent forest land from being converted to non-forest use. State or local partners are required to provide at least 25% of the funds required for projects under this program. In order to participate, states are required to identify forest areas that may protect water quality, provide key wildlife habitat, offer outstanding recreational opportunities or scenic views, or contain historical sites. To date, DNR has identified four forest legacy areas that meet federal requirements. Forestry purchases within these boundaries would be eligible for federal matching grants. In 2000-01, the federal government made \$60 million available for grants under the Forest Legacy program.

**Senate:** Delete the Joint Finance provision.

**Conference Committee/Legislature:** Include Joint Finance provision.

**Veto by Governor [B-50]:** Reduce the \$12,000,000 figure in the bill by \$10 million by striking the "1", reducing the amount that DNR is required to expend from stewardship 2000 to not less than \$2,000,000.

[Act 16 Vetoed Section: 1034k]

### **38. GEOGRAPHICAL MANAGEMENT UNIT BOUNDARIES**

**Joint Finance/Legislature:** Require the Department of Natural Resources to manage the La Crosse-Bad Axe and Kickapoo River watersheds in the same geographical management unit. The Kickapoo River watershed is currently managed by DNR as part of the Lower Wisconsin Riverway geographical management unit.

**Veto by Governor [B-81]:** Delete provision.

[Act 16 Vetoed Section: 1042g]

### 39. DNR REGIONAL MANAGEMENT

**Assembly/Legislature:** Require DNR to include all of Crawford and Vernon Counties as part of the current west central region for the administrative purposes of the agency.

**Veto by Governor [B-81]:** Delete provision.

[Act 16 Vetoes Section: 1042i]

### 40. MOUNTAIN BAY TRAIL CROSSING

**Joint Finance/Legislature:** Direct DNR to allow the Town of Weston in Marathon County to create an additional access across the Mountain Bay Recreational Trail and prohibit DNR from requiring Weston to close an existing crossing or street in return for the granting of this access.

**Veto by Governor [B-65]:** Delete provision.

[Act 16 Vetoes Section: 1153m]

### 41. ADMINISTRATION AND TECHNOLOGY REDUCTION

GPR	- \$37,400
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**Joint Finance/Legislature** Delete \$18,700 GPR annually from the DNR administration and technology general operations appropriation. (An equivalent amount of GPR would be provided in a new annual appropriation in the Department of Tourism to the Kickapoo Valley Reserve for information technology support.)

[Act 16 Section: 631r]

### 42. TOURISM SUPPORT RESTRICTION [LFB Paper 892]

**Joint Finance/Legislature:** Prohibit DNR from making any payments from the conservation fund for Tourism operations or activities. Currently, DNR and Tourism have a memorandum of understanding under which DNR pays Tourism \$25,000 annually for staff, equipment, advertising, promotion, public relations and related support costs at the Chicago travel information center.

**Veto by Governor [B-83]:** Delete provision.

[Act 16 Vetoes Section: 1066y]

## Fish, Wildlife and Recreation

### 1. FISHERIES MANAGEMENT [LFB Paper 646]

	Governor (Chg. to Base)		Jt. Finance (Chg. to Gov)		Legislature (Chg. to JFC)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions	Funding	Positions
SEG	\$890,700	3.00	-\$890,700	- 3.00	\$890,700	3.00	\$890,700	3.00

**Governor:** Provide \$431,700 in 2001-02 and \$459,000 in 2002-03 for 3.0 fisheries biologists or technicians from the fish and wildlife account of the conservation fund. In addition to supporting the fisheries management positions, funds would be used for hatcheries maintenance and lake monitoring costs. Potential maintenance demands include roof replacement at the Thunder River hatchery, repairing security fencing at the Lake Mills hatchery, installation of new rearing tanks at the Osceola hatchery, repairing the Kettle Moraine hatchery's ozone unit, repairing a water supply main at the Nevin hatchery, and repairing Woodruff hatchery's hot/cold water control system, upgrading computer hardware and software, and installing an ultraviolet (UV) light disinfectant system.

**Joint Finance:** Delete provision.

**Senate:** Provide \$663,100 in 2001-02 and \$684,300 in 2002-03 for 3.0 fisheries biologists and 3.0 fisheries technicians and related costs.

**Conference Committee/Legislature:** Restore the Governor's recommendation.

### 2. COMMERCIAL FISH REPORTING SYSTEM

SEG	\$104,500
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**Joint Finance/Legislature:** Provide \$74,500 SEG in 2001-02 and \$30,000 SEG in 2002-03 from the fish and wildlife account to fund a pilot project of the commercial Fish Harvest Reporting System (FHRS). The Fish Harvest Reporting System is an electronic reporting system that would record and report elements of the Great Lakes commercial catch, replacing the current paper-based bi-weekly reporting system. Funding in the first year would be for personal computers, printers, software, and management costs associated with testing, programming, and implementing the system. Funding in 2002-03 would be used for maintenance. The system is intended to increase the accuracy of, and aid the uniform enforcement of, various Great Lakes commercial fish harvest quotas.

### 3. COMMERCIAL FISHING LICENSE

**Assembly/Legislature:** Require DNR to create a suspended license for commercial fishermen on the Bay of Green Bay. Commercial fishermen holding a suspended license would

not be required to pay the fee associated with the license. In addition, specify that the minimum catch requirement would be waived for holders of the suspended license. The purpose of the suspended license would be to allow the bearer to retain his or her license for one period of up to seven years without engaging in commercial fishing activity.

**Veto by Governor [B-74]:** Delete provision.

[Act 16 Vetoes Section: 1184m]

#### 4. STURGEON SPEARING LICENSE

**Joint Finance/Legislature:** Prohibit the issuance of a sturgeon spearing license beginning on the October 1 preceding the opening of the season. Exempt residents who turn 14 years old during the non-issuance period and residents who are in the armed forces outside the state and who are on furlough or leave from this non-issuance period. Specify that the provision would take effect on the September 1 after publication of the Act. Under current law, a sturgeon spearing license may not be issued during the open season for spearing rock or lake sturgeon. The open season is currently set by DNR administrative rule to begin the second Saturday in February and to continue for 16 consecutive days.

**Veto by Governor [B-76]:** Delete provision.

[Act 16 Vetoes Sections: 1197g, 1197h and 9437(4v)]

#### 5. LAKE SUPERIOR FISHERIES BIOLOGIST

**Senate:** Provide \$30,000 in 2001-02 and \$40,000 in 2002-03 and 1.0 position from the fish and wildlife account of the conservation fund for a fisheries biologist. The position would be responsible for conducting water quality and fish management activities on Lake Superior.

**Conference Committee/Legislature:** Delete provision.

#### 6. WALLEYE SURVEY

	Jt. Finance (Chg. to Base)	Legislature (Chg. to JFC)	Net Change
SEG	\$20,000	- \$20,000	\$0

**Joint Finance:** Provide \$20,000 SEG in 2001-02 from the fish and wildlife account for a walleye population and size survey on the Wisconsin River between the Grandfather Falls dam in Lincoln County and the Petenwell Flowage.

**Assembly/Legislature:** Delete provision.

## 7. COASTER BROOK TROUT REINTRODUCTION

	Jt. Finance /Leg. (Chg. to Base)	Veto (Chg. to Leg)	Net Change
PR	\$170,000	- \$130,000	\$40,000

**Joint Finance:** Provide \$20,000 PR in 2001-02 and \$150,000 PR in 2002-03 from tribal gaming revenues as an annual appropriation to fund costs relating to the study and reintroduction of coaster brook trout.

**Assembly:** Delete provision.

**Conference Committee/Legislature:** Include Joint Finance provision.

**Veto by Governor [F-28]:** Reduce funding by \$130,000 in 2002-03 by deleting \$150,000 and writing in \$20,000. The trout management appropriation would be funded at \$20,000 in each year.

[Act 16 Sections: 588m and 886m]

[Act 16 Vetoed Section: 395 (as it relates to s. 20.370(1)(jk))]

## 8. SIGNAGE REQUIREMENTS FOR FISHING EASEMENTS

**Assembly/Legislature:** Require DNR to post a sign on any property where an easement has been acquired that allows public access for the purpose of fishing, notifying the general public of that right of access.

**Veto by Governor [B-54]:** Delete provision.

[Act 16 Vetoed Section: 1038dg]

## 9. WILDLIFE MANAGEMENT [LFB Paper 647]

	Governor (Chg. to Base)		Jt. Finance (Chg. to Gov)		Legislature (Chg. to JFC)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions	Funding	Positions
SEG	\$542,800	3.00	- \$542,800	- 3.00	\$542,800	3.00	\$542,800	3.00

**Governor:** Provide \$307,800 in 2001-02 and \$235,000 in 2002-03 for 3.0 wildlife technicians or biologists from the fish and wildlife account of the conservation fund. It is estimated that \$66,000 (in 2001-02 only) would be used for equipment replacement (such as tractors and mowers). Approximately \$87,500 in 2001-02 and \$76,000 in 2002-03 would be used to replace radio equipment, and \$50,000 annually would go towards supplies and services costs, as well as

partnership efforts (such as funding for shared positions with state and federal partners for the Wetlands Reserve Program).

**Joint Finance:** Delete provision.

**Senate:** Provide \$368,900 in 2001-02 and \$338,400 in 2002-03 for 1.0 wildlife biologist and 5.0 wildlife technicians.

**Conference Committee/Legislature:** Restore the Governor's recommendation.

## 10. PHEASANT STOCKING

	Jt. Finance (Chg. to Base)	Legislature (Chg. to JFC)	Net Change
SEG	\$100,000	- \$100,000	\$0

**Joint Finance:** Provide \$100,000 in 2001-02 only from the fish and wildlife account for the rearing and stocking of pheasants. Currently, DNR operates the state game farm at Poynette, which raises approximately 32,000 pheasant roosters and 8,000 hens annually for stocking on public hunting grounds and provides approximately 65,000 day-old rooster chicks annually to approximately 83 conservation and sports clubs in 39 counties in the state under cooperative agreements. In addition, the Department also administers the wild pheasant restoration program, in which pheasants are released at various locations in the state

**Assembly/Legislature:** Delete provision.

## 11. WHOOPING CRANE REINTRODUCTION

	Funding	Positions
SEG	\$81,100	0.50

**Joint Finance:** Provide \$37,600 in 2001-02 and \$43,500 in 2002-03 and 0.5 wildlife biologist position annually from the fish and wildlife account related to the reintroduction of whooping cranes in Wisconsin. Under the bill, 1.0 position would be available (including the 0.5 wildlife biologist position provided from tribal gaming revenues for the reintroduction of whooping cranes in 1999 Act 9).

**Assembly:** Delete the \$44,700 PR annually and 0.5 position provided from tribal gaming revenues for efforts relating to the reintroduction of the whooping crane. In addition, delete the Joint Finance provision that would have provided an additional \$37,600 SEG in 2001-02 and \$43,500 in 2002-03 and 0.5 position from the fish and wildlife account of the conservation fund to increase efforts in this area.

**Conference Committee/Legislature:** Include Joint Finance provision.

## 12. BEAR AND PREDATOR HUNTING AND BAITING

**Joint Finance:** Specify that a person or persons hunting or pursuing bear with a pack of dogs may not have more than six dogs in the pack, but allow dogs to be replaced at any time.

Statutorily designate that there are no hunting hour restrictions for pursuing coyote, fox, raccoon and all wild animals for which no closed season is established (except for coyotes during an open season for hunting deer with firearms in an area that is closed by DNR by rule to coyote hunting). Further specify that it would be permitted to hunt coyote, fox, raccoon and all wild animals for which no closed season is established over naturally occurring carrion.

Designate that the DNR administrative rule establishing zones where dogs may be trained or used for hunting be specified under statute. From May 1 through June 30, individuals may not hunt or pursue any free-roaming wild animal with the aid of dog or dogs in the northern portion of the state (as defined by the area that lies northward of a line beginning at Lake Michigan that follows the Oconto River upstream to where it reaches USH 41, that then runs northward along USH 41 until it intersects STH 22, that then runs westward on STH 22 to the City of Shawano, that then runs westward from the City of Shawano on STH 29 until it reaches STH 13, that then runs northward along STH 13 until it reaches STH 64, that then runs westward along STH 64 until it reaches USH 53, that then runs northwestward along USH 53 until it reaches USH 8, and that then runs westward along USH 8 until it reaches the Mississippi River), except for dog trials and training under permit, or on the premises of licensed game farms, fur farms, and shooting preserves or on any private land when license holders used licensed animals for dog trials. The training of dogs by pursuing wild bear would be limited to July 1 through August 31.

Further, specify that no person may hunt bear with the use of dogs in the southern portion of the state. This area is defined as the portion of the state that lies south of a line beginning at the Menomonie River where CTH "JJ" in Marinette County intersects the Menomonie River that then runs westward along CTH "JJ" until it intersects STH 180, that then runs westward along STH 180 until it intersects with USH 141, that then runs southward on USH 141 until it intersects with STH 64, that then runs westward on STH 64 until it intersects with USH 45, that then runs northward on USH 45 until it intersects USH 8, that then runs westward on USH 8 until it intersects with STH 13, that then runs southward on STH 13 until it intersects with STH 64, that then runs westward on STH 64 until it intersects with STH 27, that then runs northward along STH 27 until it intersects with USH 8, and that then runs westward on USH 8 until it reaches the Mississippi River.

Designate that the DNR administrative rules specifying types of legal bait used for the purpose of hunting or training dogs be specified under statute. Use of bait is permitted, with the only exception of attracting wild animals using honey, bones, fish, meat, solid animal fat or parts of animal carcasses.

Finally, eliminate the requirement for a licensed bear guide to acquire a class B bear pursuit license while assisting a licensed bear hunter.

**Senate:** Modify the Joint Finance language limiting the training of dogs to track or trail bear during the period beginning July 1 and ending August 31 to specify that dogs may be trained to hunt bear only in the northern portion of the state. The northern portion of the state is defined as the area that lies northward of a line beginning at Lake Michigan that follows the Oconto River upstream to where it reaches USH 41, that then runs northward along USH 41 until it intersects STH 22, that then runs westward on STH 22 to the City of Shawano, that then runs westward from the City of Shawano on STH 29 until it reaches STH 13, that then runs northward along STH 13 until it reaches STH 64, that then runs westward along STH 64 until it reaches USH 53, that then runs northwestward along USH 53 until it reaches USH 8, and that then runs westward along USH 8 until it reaches the Mississippi River.

Further, delete the Joint Finance language specifying that from May 1 through June 30, individuals may not hunt or pursue any free-roaming wild animal with the aid of dog or dogs in the northern portion of the state (as defined by the area that lies northward of a line beginning at Lake Michigan that follows the Oconto River upstream to where it reaches USH 41, that then runs northward along USH 41 until it intersects STH 22, that then runs westward on STH 22 to the City of Shawano, that then runs westward from the City of Shawano on STH 29 until it reaches STH 13, that then runs northward along STH 13 until it reaches STH 64, that then runs westward along STH 64 until it reaches USH 53, that then runs northwestward along USH 53 until it reaches USH 8, and that then runs westward along USH 8 until it reaches the Mississippi River), except for dog trials and training under permit, or on the premises of licensed game farms, fur farms, and shooting preserves or on any private land when license holders used licensed animals for dog trials.

In addition, allow the use of bait while hunting deer or bear if (a) the location of the bait is within sight of the hunter, (b) is within the effective range of the weapon used by the hunter, and (c) the hunter had knowledge of both of these. The use of bait for hunting would be permitted subject to DNR administrative rule. Currently, DNR restricts the use of bait to ten gallons or less.

**Assembly:** Expand the legal area for hunting bear with the aid of dogs to include all areas of Taylor, Price, Lincoln, Oneida, and Langlade Counties north of Highway 64. This would expand the legal area for hunting bear with the aid of dogs to include the area north of the line beginning at the Menominee River where CTH "JJ" in Marinette County intersects the Menominee River that then runs westward along STH 180 until it intersects USH 141, that then runs southward on USH 141 until it intersects STH 64, that then runs westward on STH 64 until it intersects STH 27, that then runs northward along STH 27 until it intersects with USH 8, and that then runs westward on USH 8 until it reaches the Mississippi River.

**Conference Committee/Legislature:** Maintain current law by deleting all Joint Finance, Senate and Assembly provisions.

### 13. UW-STEVENSONS POINT BEAR BIOLOGIST

	Jt. Finance /Leg. (Chg. to Base)	Veto (Chg. to Leg)	Net Change
SEG	\$48,000	- \$48,000	\$0

**Joint Finance:** Provide \$24,000 annually from the fish and wildlife account of the conservation fund for DNR to contract for a wildlife biologist position at the University of Wisconsin – Stevens Point College of Natural Resources. Further, \$24,000 and 1.0 PR position annually would be provided at the University of Wisconsin – Stevens Point College of Natural Resources for this purpose. Any funding for the position in excess of the \$24,000 annually would be the responsibility of the University of Wisconsin – Stevens Point.

**Assembly/Legislature:** Require that the job description of the UW research position require that the person devote a significant portion of time to bear hunting research and data collection.

**Veto by Governor [B-77]:** Delete provision.

[Act 16 Vetoes Sections: 395 (as it relates to ss. 20.285(1)(k) and 20.370(1)(mu)) and 1351zf]

### 14. DEER MANAGEMENT [LFB Paper 179]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
PR	\$323,900	- \$323,900	\$0
SEG	0	- 200,000	- 200,000
Total	\$323,900	- \$523,900	- \$200,000

**Governor:** Provide \$166,000 in 2001-02 and \$157,900 in 2002-03 from tribal gaming revenues. Create an annual appropriation for the implementation of recommendations for deer herd management developed through the Deer 2000 and Beyond initiative. The four goals of the management initiative would include maintaining a healthy deer herd, providing recreational opportunities for a wide range of user groups, simplifying and making consistent deer management goals and policies, and providing flexibility to adjust management goals. Funding would be used for research and education, including efforts to investigate the impacts of baiting and feeding on the deer herd, the impacts of deer on forestry and native ecosystems, and verification of deer population estimates.

**Joint Finance:** Delete provision. In addition, delete \$100,000 SEG annually from the fish and wildlife account to eliminate base funding for the Deer 2000 and Beyond initiative.

**Assembly:** Provide \$266,000 in 2001-02 and \$257,900 in 2002-03 from the fish and wildlife account for the implementation of recommendations for deer herd management developed through the Deer 2000 and Beyond initiative.

**Conference Committee/Legislature:** Include Joint Finance provision.

#### 15. HUNTER SAFETY EDUCATION COURSES

SEG-REV	- \$102,600
SEG	\$342,400

**Assembly/Legislature:** Eliminate the student fee requirement for bow and gun hunter safety education courses. Instead, reimburse course instructors for costs associated with teaching the class, up to \$5 per student, at an estimated cost of \$171,200 annually. Currently, instructors are required to collect the course fee from students, retain up to one-half to cover the cost of administering the course, and remit the remaining monies to DNR. A portion of the funds received by DNR from hunter safety courses (\$1.50 per student) are deposited to the fish and wildlife account, with one-half used to support the administration and development of the hunter safety education program. Eliminating the fee for these courses would generate a loss of revenue to the fish and wildlife account of approximately \$51,300 annually. This amount would be transferred from the safety education appropriation to the general enforcement operations appropriation of the fish and wildlife account in order to continue to provide hunter safety education support.

[Act 16 Sections: 596g, 596j and 1197hm]

#### 16. DEER GUN SEASON EXTENSION

**Assembly:** Specify that the deer gun hunting season begin on the Saturday immediately preceding the Thanksgiving holiday and continue for 16 consecutive days. Under current law, the deer gun hunting season extends for nine consecutive days.

**Conference Committee/Legislature:** Delete provision.

#### 17. DEER GUN ANTLERLESS SEASON

**Assembly:** Establish an antlerless-only deer gun hunting season beginning on the Thursday falling on or closest to October 22, and continuing for a total of four consecutive days. In addition, prohibit DNR from establishing an antlerless-only deer gun hunting season beginning or ending during the month of December.

**Conference Committee/Legislature:** Delete provision.

#### 18. HUNTING IN STATE PARKS

**Assembly:** Require DNR to open any state park that has received any funding from the fish and wildlife account at any time during the preceding ten years for hunting and fishing to the maximum extent possible.

**Conference Committee/Legislature:** Require DNR to open any state park that has received any funding from the fish and wildlife account at any time during the preceding ten years for hunting and fishing to the maximum extent possible. Specify that the Natural Resources Board may exempt parks properties from this requirement.

**Veto by Governor [B-68]:** Delete provision.

[Act 16 Vetoed Sections: 1162h, 1162p, 1162t, 1162w and 1162wm]

## **19. GROUP DEER BOW HUNTING**

**Joint Finance:** Include, for the purposes of killing antlerless deer, a group all using bows and arrows to the definition of a group deer hunting party. Limit the provision to only apply after the regular nine-day November gun deer season. Under current law, a group deer hunting party is defined as two or more hunters hunting in a group all using firearms, each of whom holds an individual license to hunt deer. Any member of the group hunting party may kill a deer for another member of the group deer hunting party if both of the following conditions exist: (a) at the time and place of the kill, the person who kills the deer is in contact with the person for whom the deer is killed; and (b) the person for whom the deer is killed possesses a current unused deer carcass tag which is authorized for use on the deer killed.

**Assembly:** Delete provision.

**Conference Committee/Legislature:** Include Joint Finance provision.

**Veto by Governor [B-78]:** Delete provision.

[Act 16 Vetoed Sections: 1171gb, 1171gd, 1171gf and 1171gh]

## **20. BOW HUNTING SEASON EXTENSION**

**Joint Finance:** Statutorily specify the early deer archery season extend through the Thursday immediately preceding the opening of the deer gun season.

**Assembly/Legislature:** Delete provision.

## **21. DNR WAUZEKA HUNTING EASEMENTS**

**Assembly:** Require DNR within 30 days of the effective date of the budget act, to release a portion of the easement held by the Department on certain land owned by Design Homes Incorporated in the Village of Wauzeka in Crawford County in order to permit the construction of residences. The landowner would be allowed to specify which part of the property would be released from the easement.

**Conference Committee/Legislature:** Delete provision.

## 22. CRANE CROP DAMAGE STUDY

	Jt. Finance /Leg. (Chg. to Base)	Veto (Chg. to Leg)	Net Change
PR	\$60,000	- \$40,000	\$20,000

**Joint Finance/Legislature:** Provide \$30,000 PR each year from tribal gaming revenues to DNR for a study of crop damage caused by cranes. Funding would be one-time in the 2001-03 biennium only. This would continue funding for a cooperative crop damage study between the University of Wisconsin and the International Crane Foundation authorized in 1999 Act 9.

**Veto by Governor [F-29]:** Reduce funding by \$40,000 over the biennium by deleting \$30,000 and writing in \$20,000 in 2001-02 and by deleting \$30,000 in 2002-03. The wild crane study appropriation would be funded at \$20,000 in 2001-02 only.

[Act 16 Section: 588r, 887m and 9137(6f)]

[Act 16 Vetoed Sections: 395 (as it relates to s. 20.370(1)(kk)) and 9137(6f)]

## 23. MANAGING WILDLIFE DISEASES [LFB Paper 648]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$300,000	- \$300,000	\$0

**Governor:** Provide \$150,000 annually from the fish and wildlife account for sampling and laboratory testing to manage emerging disease risks, including long-term disease monitoring of the deer herd for risk of chronic wasting disease and bovine tuberculosis. Efforts would also include assessing the health of urban geese prior to relocation, and monitoring fur-bearing animals for rabies.

**Joint Finance/Legislature:** Delete provision.

## 24. ELK HERD MONITORING [LFB Paper 180]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
PR	\$54,000	- \$200,000	- \$146,000
SEG	0	200,000	200,000
Total	\$54,000	\$0	\$54,000

**Governor:** Provide an additional \$27,000 annually from tribal gaming revenues to support field monitoring and management plans, including potential harvest plans, for the state wild elk population. Activity monitored by the DNR includes routine monitoring for dispersal, population census flights and ground checks, monitoring of deer activity and concentration within the primary elk range, impact on rare plants, monitoring of wolf pack activity in areas occupied by elk, and verification of habitat use. Funds would continue to support the ongoing elk reintroduction project in the Clam Lake area, as well as aid in assessing other regions of the state for reintroduction possibilities. Total tribal gaming revenues available under the bill for elk reintroduction and management would be \$200,600 annually with 0.5 position.

**Joint Finance/Legislature:** Delete \$100,000 PR annually from tribal gaming revenues for elk herd monitoring. Instead, provide \$100,000 SEG annually from the fish and wildlife account of the conservation fund to maintain funding of \$200,600 annually (\$100,600 PR from tribal gaming revenues and \$100,000 SEG from the fish and wildlife account).

## **25. VENISON PROCESSING DONATION PROGRAM [LFB Paper 649]**

**Governor:** Allow any applicant for a deer, bear, turkey, or small game hunting license to elect to make a voluntary contribution of at least \$1 to be used for the venison processing and donation program. Monies received would be used to reimburse counties for the cost of processing donated venison (including processing, administration, and donating costs incurred) during a deer damage management season for use by food pantries and charitable organizations. If donations were not sufficient to reimburse counties for their expenditures on the venison donation program, monies from the wildlife damage program could continue to be used (after payments were made for county administrative costs, wildlife damage abatement assistance, and wildlife damage claim payments). DNR would prorate reimbursement to counties if funds were insufficient for full payment.

Donated funds may also be used for promotional and educational activities and materials to encourage voluntary contributions to the venison processing program. Counties would be required to make reasonable efforts to donate the venison (rather than required to donate it, currently) to be eligible for reimbursement. In 2000-01, DNR paid approximately \$489,000 from wildlife damage funds to process 7,800 deer for the donation of 350,000 pounds of venison.

**Joint Finance:** Prohibit the use of funds from the wildlife damage program for the venison donation program. (This would have the effect of funding the venison donation program solely through voluntary contributions).

A similar donation program initiated in Maryland received donations of at least \$1 from 30% of hunters. If 30% of all hunters (resident and non-resident) purchasing deer, bear, turkey, or small game licenses in Wisconsin donated \$1, approximately \$423,000 would be raised. Based on license sales totals from fiscal year 2000, 35 % of hunters purchasing deer, bear, turkey, or small game licenses would need to donate \$1 each in order to generate sufficient monies to fully fund the venison donation program (assuming a similar season and donation structure as

in 2000). Wisconsin currently has a similar check-off option in applications for fishing licenses and boat registrations. Individuals have the option of donating \$1 or more for DNR lake research activities. The voluntary checkoff generated \$69,500 in 1999-00; for comparison, over one million fishing licenses were sold in 1999-00, and approximately 370,000 boat registrations or renewals took place. This represents a less than 5% participation rate. If similar results were applied to the venison donation program, it would be expected to generate about \$70,000 annually.

**Senate:** In addition to the Joint Finance provision for voluntary contributions to be used to fund the venison processing and donation program, restore the Governor's recommendation to allow payments for the venison donation program to continue to come from the wildlife damage program, if available after making payments for wildlife damage claims and abatement, and to be prorated if wildlife damage funds are insufficient.

**Assembly:** Delete the requirement that the venison donated for processing must come from deer that were killed in a county participating in a deer damage management season. This would have the effect of making the venison processing donation program a statewide program, and would allow any deer killed during a deer gun season (herd control or regular nine-day gun season) eligible to be donated.

**Conference Committee/Legislature:** Adopt the Senate provision and the Assembly provision as modified with an effective date of January 1, 2002.

[Act 16 Sections: 610, 1196, 1225 thru 1234 and 9437(7k)]

## 26. REDUCE NONRESIDENT SPORTS LICENSE FEE

**Governor/Legislature:** Reduce nonresident sports license fee to better reflect the combined cost of the privileges included in the license. The sports license confers the privileges of a small game hunting license, an annual fishing license, and a deer hunting license. Currently, the cost of these approvals (when purchased individually) is \$244, while the cost of the nonresident sports license is \$250 (including the issuing fee and wildlife damage surcharge). The bill would decrease the cost of the nonresident sports license to \$240. In 1999-00, 220 nonresident sports licenses were sold.

[Act 16 Section: 1190]

## 27. AUTOMATED LICENSE ISSUANCE SYSTEM [LFB Paper 650]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$1,966,000	- \$1,013,000	\$953,000

**Governor:** Provide \$983,000 SEG annually from the fish and wildlife account of the conservation fund to address continued funding for the operation of the Automated License Issuance System (ALIS). This would include \$30,000 annually to contract for a professional evaluation of the system and planning associated with the rebidding of the ALIS contract in 2002. The remainder would go towards meeting the ALIS transaction charges, including kit supplies for the printing of licenses at ALIS terminals and consultant time for change orders to the ALIS system. Base funding for ALIS operations is approximately \$3.3 million.

**Joint Finance/Legislature:** Delete \$30,000 SEG annually to contract for a professional evaluation of the system and planning associated with the rebidding of the ALIS contract in 2002. In addition, delete \$953,000 SEG for ALIS expenditures in 2002-03. Approve funding of \$953,000 SEG in 2001-02. DNR would submit a request to the Joint Committee on Finance under s.13.10 detailing costs associated with operations under a new contract expected to be entered in the fall of 2001 in time to receive funding for 2002-03. The Committee would consider the request for funding in 2002-03 based on the new contract.

## 28. ALIS CONTRACT RENEWAL BIDS

**Joint Finance/Legislature:** Direct DNR to solicit online reverse bids for the re-bidding of the ALIS contract. The reverse bid process would require DNR to post specifications for an automated license issuance system online through a computerized system maintained by DATCP. Contractors interested in providing license sales service to DNR would be able to post or view other bids through this website.

**Veto by Governor [B-82]:** Delete provision.

[Act 16 Vetoed Section: 1158m]

## 29. ALIS LICENSE AGENT COMPENSATION

	Jt. Finance (Chg. to Base)	Legislature (Chg. to JFC)	Net Change
SEG-REV	- \$4,400,000	\$2,258,000	- \$2,142,000

**Joint Finance:** Allow license agents to retain \$1.50 from each transaction for any sales provided through DNR's Automated License Issuance System (ALIS), including fish and wildlife approvals and permits and parks admissions fees effective March 1, 2002. In addition to the transaction fee, sales agents would continue to retain issuance fees (generally 50¢ per license and 15¢ per stamp) for licenses sold. The transaction fee would be deducted from the amount of license revenues retained by DNR (the purchaser would not pay the fee). Based on the number of ALIS transactions for the license year ending March, 2000, the \$1.50 transaction fee would generate an estimated \$3.3 million annually in additional revenue to license sales agents. This would be realized in reduced revenues to the fish and wildlife account of up to \$1.1

million in 2001-02 and \$3.3 million in 2002-03 (the first full fiscal year under the change). License agents received approximately \$1.2 million in sales commissions for the license year ending March, 2000.

**Senate/Legislature:** Reduce the amount that license agents would retain per transaction to 50¢ (from \$1.50 under the substitute amendment). This would result in reduced revenues to the fish and wildlife account of the conservation fund of \$367,000 in 2001-02 and \$1.1 million in 2002-03 (rather than \$1.1 million and \$3.3 million under the Joint Finance provision). This amount would be retained by licensing agents.

Further, authorize ALIS license agents to retain 50¢ when a free special zone T antlerless deer hunting permit is issued. The Department indicates that it will provide one free zone T permit for each deer license sold during the fall 2001 deer hunting season. The license agent would retain \$1 for issuing a gun deer, archery, sports or conservation patron license (including a 50¢ issuing fee under current law and an additional 50¢ under this provision). This issuance fee would be deducted from the amount of license revenues retained by the DNR (the purchaser would not pay the fee). Based on the number of deer hunting licenses purchased for the fall 2000 deer season, revenues to the fish and wildlife account are expected to decrease by \$325,000 in 2001-02 and by \$350,000 in 2002-03 (the amount estimated to be retained by licensing agents).

[Act 16 Sections: 1153g, 1153i, 1153L, 1196g, 1196r, 1196rk, 9337(3cf)&(4f) and 9437(2ff)]

### **30. EXPEDITED RECREATIONAL LICENSES**

**Governor/Legislature:** Authorize DNR or its agents to issue recreational vehicle registrations, renewals, or transfers through an expedited process, and collect a \$3 fee for the service. Allow the process to be computerized, non-computerized or both, but require DNR or its agents to issue adequate documentation so that the registrant is able to immediately operate the boat, ATV, or snowmobile in compliance with the applicable registration laws. Under both computerized and non-computerized systems, authorize DNR or its agents to collect a fee for the expedited service of \$3. Agents using the non-computerized system would be allowed to retain the entire fee, while agents using the computerized system would return \$1 of the fee to DNR. Allow DNR to continue to provide a registration service that does not use any expedited service procedure for which no expedited service or issuing fee is charged. Applicants using the expedited process would receive a validated registration receipt, which would serve as proof of legal registration until any additional materials (such as reflector plates) were received from DNR.

[Act 16 Sections: 591, 596, 606, 609, 624, 1046 thru 1066, 1262 thru 1306, 3457 thru 3459, 3461, 3463 thru 3479 and 3486 thru 3491]

### 31. USE OF LICENSE FEES BY DNR

**Governor:** Prohibit the use of hunting and recreational fishing license fees for any purpose other than the administration of DNR when it is exercising its responsibilities specific to the management of the state's fish and wildlife resources (rather than prohibiting use for purposes other than "those provided by the department" currently). This change is intended to maintain the state's compliance with federal requirements for receiving conservation aids under the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act, under the federal code.

**Assembly/Legislature:** Specify that the Joint Committee on Finance would be responsible for determining what constitutes an eligible administrative expense in the exercise of responsibilities specific to the management of fish and wildlife resources in the state.

**Veto by Governor [B-73]:** Delete the Assembly provision.

[Act 16 Sections: 391, 1114 thru 1119 and 1159]

[Act 16 Vetoed Section: 1117m]

### 32. CONSERVATION FUND TRANSFER

**Joint Finance/Legislature:** Transfer \$15,000 SEG from the fish and wildlife account to the endangered resources donations appropriation account for field work and studies associated with endangered and threatened species.

**Veto by Governor [B-62]:** Delete provision.

[Act 16 Vetoed Sections: 585m and 9237(3k)]

### 33. CONSERVATION WARDEN FUNDING

**Assembly:** Delete \$357,900 GPR annually and provide an equivalent amount of fish and wildlife account SEG funding to transfer five GPR-supported conservation warden positions to fish and wildlife SEG. Further, delete \$205,900 GPR annually and provide an equivalent amount of all-terrain vehicle account SEG funding to transfer four GPR-supported conservation warden positions to all-terrain vehicle SEG. In addition, require DNR to submit a report to the Joint Legislative Audit Committee no later than August 15<sup>th</sup> of each year (beginning in 2002) detailing how the increase in ATV-related warden enforcement activity has benefited DNR's efforts to enforce laws related to ATV activity and to educate the public on these laws.

	Funding	Positions
GPR	- \$507,600	- 4.00
SEG	<u>507,600</u>	<u>4.00</u>
Total	\$0	0.00

**Conference Committee/Legislature:** Delete \$120,600 GPR annually and provide an equivalent amount of all-terrain vehicle account SEG funding to transfer two GPR supported

conservation warden positions to ATV SEG. Further, delete \$133,200 GPR annually and provide an equivalent amount of snowmobile account SEG to transfer two GPR supported conservation warden positions to snowmobile SEG. In addition, require DNR to submit a report to the Joint Legislative Audit Committee no later than August 15<sup>th</sup> of each year (beginning in 2002) detailing how the increase in ATV-related warden enforcement activity has benefited DNR's efforts to enforce laws related to ATV activity and to educate the public on these laws.

**Veto by Governor [B-71]:** Delete the requirement that DNR submit an annual report to the Joint Audit Committee detailing how the increase in conservation wardens benefited the Department's efforts to enforce laws relating to the operation of all-terrain vehicles.

[Act 16 Vetoed Section: 1066atk]

### 34. CHIEF WARDEN AUTHORITY AND SUPERVISORS

**Assembly:** Require DNR to designate a conservation warden as the chief warden. This chief warden would have the responsibility of directing, supervising, and controlling other DNR conservation wardens. Further, specify that any conservation warden that is designated as a supervisor would be required to spend half of his or her time performing field enforcement activities, and half performing supervisory activities.

**Conference Committee/Legislature:** Require DNR to designate a conservation warden as the chief warden. This chief warden would have the responsibility of directing, supervising, and controlling other DNR conservation wardens.

**Veto by Governor [B-72]:** Delete provision.

[Act 16 Vetoed Section: 1038bq]

### 35. WARDEN OPERATING EXPENSES

**Governor/Legislature:** Provide \$249,300 in 2001-02 (\$8,800 FED and \$240,500 SEG from the fish and wildlife, ATV and boat accounts of the conservation fund) and \$268,200 in 2002-03 (\$11,000 FED and \$257,200 SEG from the conservation fund) to provide 1.0 FED data coordinator position and for operations funding for conservation wardens. The bill would provide for an increase in overtime, as well as other fixed expenses (such as telephone, postage and printing).

	Funding	Positions
FED	\$19,800	1.00
SEG	<u>497,700</u>	<u>0.00</u>
Total	\$517,500	1.00

### 36. LAW ENFORCEMENT RADIO EQUIPMENT [LFB Paper 651]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
FED	\$36,200	- \$36,200	\$0
PR	12,000	- 12,000	0
SEG	<u>275,600</u>	<u>- 275,600</u>	<u>0</u>
Total	\$323,800	- \$323,800	\$0

**Governor:** Provide \$108,000 in 2001-02 (\$12,100 FED, \$4,000 PR, and \$91,900 SEG from the conservation fund) and \$215,800 in 2002-03 (\$24,100 FED, \$8,000 PR, and \$183,700 SEG from the conservation fund) to pay for a master lease program to replace 209 mobile radios and 209 portable radios for the conservation warden force. This provision would allow for the replacement of all law enforcement radio equipment over a two-year period. Total costs to replace both radio units for 209 wardens would be \$558,335, based on figures available in May of 2000. These costs, plus interest, would be divided across the three-year master lease program from 2002 through 2004.

**Joint Finance/Legislature:** Delete provision (DNR would be required to reinstate user charges sufficient to fund radio replacement).

### 37. PUBLIC SAFETY RADIO SYSTEM

SEG	\$184,000
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**Governor/Legislature:** Provide \$92,000 annually split funded from all accounts of the conservation fund except endangered resources and Natural Resources magazine for the public safety radio system, a cooperative program between DNR and DOT. In the past, funding for this program was split evenly between the two Departments. The share paid by DNR has been reduced to 40% based on DNR's lower radio usage. As part of a 1999 radio shop merger agreement, DNR is billed by DOT to support seven positions and associated costs in DOT for the public safety radio system.

### 38. LIMITED-TERM EMPLOYMENT SPECIAL WARDENS

FED	\$14,800
PR	5,000
SEG	<u>103,400</u>
Total	\$123,200

**Governor/Legislature:** Provide \$61,600 annually (\$7,400 FED, \$2,500 PR, and \$51,700 SEG split funded from the fish and wildlife, forestry, parks, ATV and boating accounts of the conservation fund) for LTE special wardens to serve as safety backups to DNR conservation wardens. While allocation of funding between the number of LTEs hired and increases in wage rates would be at the discretion of DNR, this funding would (for example) allow DNR to increase the hourly base rate of pay from approximately \$9 per hour to \$14 per hour, and increase the number of LTE special wardens (working an average of 193 hours annually) from approximately 119 to 140.

### 39. MEDFORD RANGER STATION

	Jt. Finance/Leg. (Chg. to Base)		Veto (Chg. to Leg)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
SEG	\$56,000	1.00	- \$56,000	- 1.00	\$0	0.00

**Joint Finance:** Provide \$24,000 SEG in 2001-02 and \$32,000 SEG in 2002-03 and 1.0 SEG position split-funded from eight accounts of the conservation fund for a program assistant in the Bureau of Customer Service and Licensing at the Medford Ranger Station (Taylor County).

**Assembly:** Delete the provision.

**Conference Committee/Legislature:** Include Joint Finance provision.

**Veto by Governor [B-80]:** Delete provision by lining out the appropriated amount and writing in the reduced amount to reflect deletion of the position Further, the Governor's veto message requests the DOA Secretary to not allot the funding or authorize the position.

[Act 16 Vetoed Section: 395 (as it relates to s. 20.370(9)(mu))]

### 40. WISCONSIN CONSERVATION HALL OF FAME

PR	\$10,000
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**Joint Finance:** Provide \$10,000 PR in 2001-02 from tribal gaming revenues for a grant to the Wisconsin Conservation Hall of Fame. The purpose of the grant would be to commemorate conservation efforts by the Native American people of Wisconsin. The Wisconsin Conservation Hall of Fame is located near Stevens Point.

**Assembly:** Delete the provision.

**Conference Committee/Legislature:** Include Joint Finance provision.

[Act 16 Sections: 603f, 603g, 885m, 885n, 9137(5z) and 9437(5z)]

### 41. CAR KILLED DEER REMOVAL [LFB Paper 652]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$97,500	- \$97,500	\$0

**Governor:** Provide \$32,500 SEG in 2001-02 and \$65,000 SEG in 2002-03 from the fish and wildlife account of the conservation fund for the costs of contracting for the removal of car-killed deer. Under the bill car-killed deer removal is funded at \$314,600 GPR and \$347,100 SEG in 2001-02 and \$314,600 GPR and \$379,600 SEG in 2002-03. However, the statutes specify that

each appropriation is to "pay 50% of the costs of the removal and disposal of car-killed deer from the highways". Therefore, any SEG appropriations not matched by GPR would lapse to the conservation fund at the end of each fiscal year. The GPR appropriation was created in 1997; prior to that, transportation fund SEG had provided 50% of the funding.

**Joint Finance/Legislature:** Delete provision.

## 42. CLAIMING OF CAR-KILLED DEER

**Joint Finance/Legislature:** Allow passers-by to request and receive a free permit to remove car-killed deer from the roadside if the operator of the vehicle that struck the deer does not take possession or has left the scene.

[Act 16 Sections: 1177g and 1177r]

## 43. SNOWMOBILE REGISTRATION FEE [LFB Paper 654]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG-REV	\$2,818,000	- \$72,100	\$2,745,900

**Governor:** Increase the cost of a two-year snowmobile registration by the amount shown in the following table. In addition, increase the annual nonresident trail sticker by \$5 and require that \$15 of each fee collected be credited to an appropriation to provide supplemental funding for the maintenance of snowmobile trails (estimated at \$459,000 annually). Monies remaining in the supplemental snowmobile trail aids appropriation after supplemental trail aid payments were made to counties could be used for basic trail aids and related costs, including: (a) development and maintenance; (b) cooperative sign programs; (c) reconstruction or rehabilitation to improve bridges on existing approved trails; (d) trail rehabilitation; (e) signing of snowmobile routes; and (f) state snowmobile trails and areas. Revenue is estimated to increase by \$1,359,000 in 2001-02 and \$1,459,000 in 2002-03 over the base.

	<u>Current Fee</u>	<u>New Fee</u>
Snowmobile Registration (valid for 2 years)	\$20	\$30
Annual Non-resident Trail Use Sticker	13	18
Commercial Snowmobile Registration	60	90
Additional Reflector Plate for Commercially Registered Snowmobiles	20	30

**Joint Finance/Legislature:** Reestimate registration and nonresident trail sticker revenues to increase by \$1,243,300 in 2001-02 and by \$1,502,600 in 2002-03 over the base.

[Act 16 Sections: 607, 3460, 3462, 3480 and 3483 thru 3485]

**44. SNOWMOBILE TRAIL AIDS [LFB Paper 654]**

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$3,789,700	\$652,800	\$4,442,500

**Governor:** Provide \$1,740,600 in 2001-02 and \$2,049,100 in 2002-03 from the snowmobile account of the conservation fund to increase funding for snowmobile trail maintenance. Revenue to support these expenditures includes the proposed increase in snowmobile registration fees, as well as \$381,600 in 2001-02 and \$590,100 in 2002-03 from the estimated increase in the snowmobile fuel tax transfer. County expenditures eligible for aid include trail maintenance, club signing programs, bridge rehabilitation, municipal route signing, trail rehabilitation, and the development of new trails. In addition, counties may be eligible for supplemental trail aid payments. Under the bill, local trail aids would increase from the base level of \$6,473,200 to \$8,213,800 in 2001-02 and \$8,522,300 in 2002-03 over the base.

**Joint Finance/Legislature:** In addition, provide \$347,900 in 2001-02 and \$304,900 in 2002-03 from the snowmobile account to increase funding for snowmobile trail aids. This increase is a result of updated revenue estimates, including the snowmobile fuel tax transfer and would provide local trail aids of \$8,561,700 in 2001-02 and \$8,827,200 in 2002-03 (a 34% increase over base funding levels for trail aids).

**45. SNOWMOBILE COUNTY ENFORCEMENT AIDS [LFB Paper 181]**

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
PR	\$200,000	- \$200,000	\$0
SEG	400,000	0	400,000
Total	\$600,000	- \$200,000	\$400,000

**Governor:** Provide \$300,000 annually (\$100,000 PR from tribal gaming revenues and \$200,000 SEG from the snowmobile account of the conservation fund) to increase available aid for county snowmobiling enforcement efforts. DNR provides aids to counties for up to 100% of eligible costs of enforcing snowmobile laws. If claims exceed the appropriation level, payments to counties are prorated. Currently, this appropriation is funded at \$200,000 SEG annually.

**Joint Finance/Legislature:** Delete \$100,000 PR annually from tribal gaming revenues for county snowmobiling enforcement efforts. This is estimated to allow DNR to reimburse at least 80% of eligible costs for local snowmobile enforcement efforts.

#### 46. STATE SNOWMOBILE EDUCATION AND ENFORCEMENT [LFB Paper 655]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	-\$311,400	- 3.00	\$311,400	3.00	\$0	0.00
SEG	<u>511,200</u>	<u>3.00</u>	<u>- 511,200</u>	<u>- 3.00</u>	<u>0</u>	<u>0.00</u>
Total	\$199,800	0.00	-\$199,800	0.00	\$0	0.00

**Governor:** Provide \$108,000 in 2001-02 (-\$155,700 GPR and \$263,700 SEG from the snowmobile account) and \$91,800 in 2002-03 (-\$155,700 GPR and \$247,500 SEG from the snowmobile account) to transfer 3.0 positions from GPR to SEG and to increase funding for state snowmobile enforcement, aids administration (\$3,100 annually) and training efforts.

**Joint Finance/Legislature:** Delete provision (the transfer of two conservation wardens from GPR to snowmobile SEG is previously described under the "Conservation Warden Funding" entry).

#### 47. SPARTA SNOWMOBILE BRIDGE

SEG	\$124,000
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**Senate/Legislature:** Provide \$124,000 SEG in 2001-02 only from the snowmobile account of the conservation fund for the construction of a snowmobile-bicycle-pedestrian bridge over Interstate 90 in the City of Sparta. The Department of Transportation would be required to provide \$496,000 in matching funds for the project. Specify the bridge be at least 14 feet in width and provide convenient access to the Elroy-Sparta and La Crosse River State Trails and to nearby snowmobile trails.

[Act 16 Sections: 607q, 607s, 9137(4p), 9152(4k) and 9437(6k)]

#### 48. SNOWMOBILE SPEED LIMIT

**Assembly:** Prohibit DNR from promulgating or enforcing any Department rule that would establish a snowmobile speed limit. The Legislature and local units of government could regulate snowmobile speed limits within their jurisdiction.

**Conference Committee/Legislature:** Delete provision.

**49. ATV TRAIL AIDS [LFB Paper 653]**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance/Leg. (Chg. to Gov)</b>	<b>Net Change</b>
SEG	\$274,500	\$447,500	\$722,000

**Governor:** Provide \$117,800 in 2001-02 and \$156,700 in 2002-03 from the all-terrain vehicle (ATV) account of the conservation fund to allow for additional rehabilitation and infrastructure trail grants. Revenue to support these expenditures include \$67,800 in 2001-02 and \$106,700 in 2002-03 from the estimated increase in the ATV motor fuel tax transfer.

**Joint Finance/Legislature:** Reestimate the motor fuel tax transfer to provide an additional \$166,000 in 2001-02 and \$281,500 in 2002-03 for ATV trail aids.

**50. ATV TRAIL AMBASSADORS PROGRAM**

SEG	\$518,000
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**Joint Finance/Legislature:** Establish a grant program that would provide funding to nonprofit organizations to assist DNR in the promotion of the Department's ATV safety and education program, and to create an ATV trail ambassador's program. Provide \$268,000 in 2001-02 and \$250,000 in 2002-03 from ATV account SEG to fund grants for this purpose.

A nonprofit organization may qualify for a DNR grant if the nonprofit organization represents all-terrain vehicle user interests by promoting safe, responsible and wise use of all-terrain vehicles which are not in conflict with Department strategies, goals, master plans or environmentally sound practices and meets the following requirements:

- a. The nonprofit organization must be a Wisconsin based off-highway organization having not-for-profit incorporation status intent on improving off-highway vehicle rider safety education and environmentally ethical riding habits.
- b. The nonprofit organization provides support to all-terrain vehicle clubs and/or groups.
- c. The nonprofit organization has a board of directors that has a majority of members that are representatives of all-terrain vehicle clubs and/or groups.
- d. The nonprofit organization would conduct activities to enhance all-terrain vehicle law enforcement safety and education program. Activities would include all of the following:
  - (1) Data collection.
  - (2) Assist the DNR by locating, securing and directing future all-terrain vehicle safety and education instructors so that they may be considered for instructorship within established Department programs.

(3) Increase student participation of all-terrain vehicle safety and education courses by locating and directing new all-terrain vehicle owners, existing all-terrain vehicle owners and other users of all-terrain vehicles towards established DNR safety and education courses.

(4) Work closely with the Department of Tourism and working through the Department of Natural Resources to create an outreach program for local communities to promote all-terrain vehicle use within communities and promote the economic benefits of all-terrain vehicle tourism.

(5) Create, strengthen and maintain relationships with DNR, all terrain-vehicle dealers, manufacturers, all-terrain vehicle clubs, restaurant associations, department of Tourism, chambers of commerce, snowmobile associations, snowmobile clubs and snowmobile alliances.

(6) Investigate, secure and assist with all-terrain vehicle riding opportunities, areas and trails.

(7) Recruit, assist in the training of and mobilize a corps of volunteers that will promote safe ethical and responsible riding outside of classroom activities.

(8) Publish a manual in cooperation with DNR that will be used to train a corps of volunteers known as "Trail Watchers."

**Veto by Governor [B-70]:** Delete the requirement that eligible grant recipients be from a non-profit corporation that is tax-exempt under section 501(a) of the Internal Revenue Code.

[Act 16 Sections: 607m, 1045m and 1066ar]

[Act 16 Vetoed Section: 1066ar]

#### **51. ATV ENFORCEMENT AIDS [LFB Paper 181]**

SEG	\$40,000
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**Governor/Legislature:** Provide \$20,000 annually from the all-terrain vehicle (ATV) account to increase funding for the county enforcement aids program. Currently, the program is funded at \$50,000 annually.

#### **52. ATV WEIGHT LIMIT**

**Joint Finance/Legislature:** Increase the maximum allowable weight of an all-terrain vehicle to 900 pounds. (Under current law, an all-terrain vehicle is defined as an engine-driven device with a width of not more than 48 inches and a net weight of 650 pounds or less that is designed to travel on at least three low-pressure tires and that is equipped with a seat designed to be straddled by the vehicle operator.)

[Act 16 Section: 3390b]

**53. MUNICIPAL BOATING ENFORCEMENT AIDS [LFB Paper 181]**

SEG	\$600,000
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**Governor/Legislature:** Provide \$300,000 annually from the boat registration account of the conservation fund to increase enforcement aids for municipal boat patrols. Municipalities are authorized to be reimbursed for up to 75% of their approved costs. Base funding for the program is \$1,100,000 annually.

**54. FOX RIVER NAVIGATIONAL SYSTEM [LFB Paper 445]**

SEG	-\$216,700
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**Governor:** Delete \$90,000 in 2001-02 and \$126,700 in 2002-03 from the Fox River Management Commission appropriation. The water resources account funding would be transferred to the Fox River Navigational System Authority. In addition, \$400,000 would be available annually for seven years (beginning in 2003-04) from the recreational boating grant program to provide the state's share of funding needed to secure federal matching funds for the rehabilitation of the Fox River Locks system. An equal amount of matching funds would be provided by local or private sources. (See "Fox River Navigational System Authority".)

**Senate:** Delete provisions authorizing the creation of the Fox River Navigational System Authority. (Segregated funds of \$90,000 in 2001-02 and \$126,700 in 2002-03 from the water resources account would remain in the DNR appropriation for the Fox River Management Commission.)

**Conference Committee/Legislature:** Include Governor's provision.

**55. DREDGING TO IMPROVE GREAT LAKES RECREATIONAL ACCESS [LFB Paper 656]**

**Governor/Legislature:** Expand eligibility criteria under the recreational boating aids grant program to include dredging to improve recreational access to the Great Lakes. Currently, the dredging of a channel to the degree that is necessary to accommodate recreational watercraft is eligible to receive financial assistance, provided that the project is for an inland body of water. The inland waters limitation would be eliminated.

[Act 16 Section: 1329]

**56. BLACK POINT ESTATE**

**Senate/Legislature:** Repeal provisions authorizing the expenditure of \$1.8 million in recreational boating project aids for the operation and maintenance of the Black Point Estate. Under the bill, the \$1.8 million would be available for recreational boating project grants through the Waterways Commission. Further, the bill would delete \$1.6 million in general-obligation bonding authority from DOA and an associated \$9,000 GPR in 2001-02 and \$61,200 GPR in 2002-03 in estimated DOA debt service payments related to the project.

The Black Point Estate refers to a parcel of land in Walworth County that includes approximately 600 feet of frontage on the south shore of Lake Geneva and a 13-bedroom Queen Anne style residence constructed in 1888. The historic residence includes a significant collection of late-Victorian furniture. 1997 Act 27 authorized the bonding to adapt the estate to public use as a museum and the water resources SEG for an endowment to a nonprofit conservation organization for operation and preservation of the property. No expenditures have been made to date as zoning and legal challenges to the project have been pursued.

**Veto by Governor [B-69]:** Delete provision (no debt service costs are anticipated in this biennium given the current status of the project).

[Act 16 Vetoed Sections: 848r, 962, 972m and 1036yr]

## **57. RECREATIONAL BOATING AIDS EARMARK**

**Joint Finance:** Earmark \$104,000 in 2001-02 for dredging the section of the Root River extending from the City of Racine to Lake Michigan and \$386,000 to the City of Oconto for dredging of a section of the Oconto River. Direct DNR to provide the grants for these amounts to the City of Racine and the City of Oconto from the recreational boating aids grant program.

The Department of Natural Resources and the Waterways Commission award grants from the available funds in the recreational boating project aids appropriation (base funding of \$4,547,000 annually).

**Senate:** Require DNR to provide funding for the following projects from available funds under the recreational boating aids program:

a. \$340,000 in 2001-02 to the City of Manitowoc for dredging the area of the Manitowoc River where the submarine U.S.S. Cobia is moored. Funds would also be used to make dock wall repairs and improvements to the mooring area of the Cobia. Funding would be earmarked for the project before percentages were applied to determine funding levels for inland waters and Great Lakes projects. No local match would be required.

b. \$242,600 in the 2001-03 biennium to the City of Marinette for boat launch and parking lot improvements at Stephenson Island and Boom Landing. Funding would be earmarked for the project before percentages were applied to determine funding levels for inland waters and Great Lakes projects. No local match would be required.

c. \$250,000 in the 2001-03 biennium to the City of Janesville for development of a riverfront parkway that includes the development of a marina with a boat launch and transient boat slips. Funding would be provided from monies available for inland waters projects. No local match would be required.

**Assembly:** Earmark \$350,000 SEG annually during the 2001-03 biennium only from the recreational boating aids program for the renovation and repair of the Portage Canal. The grant would be provided to the City of Portage. No local match would be required.

**Conference Committee/Legislature:** Include all provisions.

**Veto by Governor [B-69]:** Delete the requirement that DNR provide for the following projects:

- a. \$104,000 in 2001-02 to the City of Racine for dredging the Root River;
- b. \$386,000 to the City of Oconto for dredging of the Oconto River;
- c. \$242,600 in the 2001-03 biennium to the City of Marinette for improvements at Stephenson Island and Boom Landing.

As a result of the veto, earmarks remain for the Cities of Manitowoc (USS Cobia), Janesville (riverfront parkway) and Portage (Portage Canal).

[Act 16 Sections: 1344g and 9137(8c)&(8d)]

[Act 16 Vetoed Section: 9137(6g),(7f)&(8k)]

#### 58. VILLAGE OF WHITING FISH PIER

SEG	\$80,000
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**Joint Finance:** Provide \$80,000 SEG in 2001-02 from the water resources account of the conservation fund for recreational boating project aids. Require DNR to provide this amount to the Village of Whiting in Portage County for construction of a handicapped-accessible recreational pier on the Plover River.

**Assembly:** Delete provision.

**Conference Committee/Legislature:** Restore Joint Finance provision.

**Veto by Governor [B-69]:** Delete language directing DNR to provide the grant to the Village of Whiting. The \$80,000 provided for this purpose from the water resources account of the conservation fund remains in the recreational boating project aids appropriation.

[Act 16 Vetoed Sections: 605, 605b, 9137(4x) and 9437(2x)]

#### 59. WAUSAU WHITEWATER COURSE

SEG	\$50,000
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**Joint Finance:** Provide \$50,000 SEG in 2001-02 from the water resources account of the conservation fund for recreational boating project aids. Require DNR to provide this amount to the Wausau Kayak/Canoe Corporation, a non-profit organization, to

upgrade the Wausau Whitewater Course on the Wisconsin River in Wausau. Require that the Wausau Kayak/Canoe Corporation provide \$50,000 in matching funds to receive the grant.

**Assembly:** Delete provision. Instead, allow Tourism to provide a grant in 2001-02 from its GPR marketing appropriation to the Wausau Kayak/Canoe Corporation to upgrade the Wausau Whitewater Course, if the Corporation provides \$50,000 in matching funds. If Tourism provides the grant, require Tourism to enter into an agreement with the Corporation that specifies the uses for the grant proceeds and reporting and auditing requirements.

**Conference Committee/Legislature:** Restore Joint Finance provision.

**Veto by Governor [B-69]:** Delete language directing DNR to provide the grant to the City of Wausau. The \$50,000 provided for this purpose from the water resources account of the conservation fund remains in the recreational boating project aids appropriation.

[Act 16 Vetoes Sections: 605, 605b and 9137(5e)]

## Forestry and Parks

### 1. SHIFT STEWARDSHIP DEBT SERVICE TO FORESTRY ACCOUNT [LFB Paper 660]

GPR	- \$12,000,000
SEG	<u>12,000,000</u>
Total	\$0

**Governor/Legislature:** Shift \$8 million in 2001-02 and \$4 million in 2002-03 from GPR to forestry account SEG for the payment of principal and interest related to the acquisition and development of state forests under the Warren Knowles-Gaylord Nelson Stewardship program. No moneys may be expended or encumbered from the forestry SEG appropriation after June 30, 2003. Under the bill, debt service payments primarily related to the stewardship program would increase (from \$23.8 million in 2000-01) by approximately \$4.2 million in 2001-02 (to \$28 million) and by \$7.7 million in 2002-03 (to \$31.5 million).

[Act 16 Section: 621]

### 2. FORESTRY BASE OPERATIONS FUNDING

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$1,048,000	\$1,783,000	\$2,831,000

**Governor:** Provide \$553,000 in 2001-02 and \$495,000 in 2002-03 from the forestry account of the conservation fund for base operations. Funding would provide \$58,000 in one-time funding in 2001-02 for capital equipment purchases; \$115,000 annually for maintenance to forestry facilities; \$250,000 each year for northern forest operations (including maintenance, enforcement, and productivity issues); and \$130,000 annually for regional operations support (including utilities, facilities maintenance, mileage, and telecommunications costs).

**Joint Finance/Legislature:** In addition, provide \$908,000 SEG in 2001-02 and \$875,000 SEG in 2002-03 from the forestry account to further increase base operations expenditures. Funds would increase regional operations support as well as operational support for Northern State Forests. In addition, support would be provided for the Division of Forestry, for bureau operations, and to fund forestry initiatives that cross regional boundaries. Initiatives would include improving fire detection, increasing LTE wages for state forest and fire tower personnel, funding to contract for the analysis and preparation of state forest master plan assessments, converting reconnaissance data to electronic mapping databases, staff training in forest ecology and silvicultural techniques, and supporting the implementation of sustainable forestry practices on DNR, non-state forest, and conservation properties.

**3. FOREST FIRE COMMUNICATION EQUIPMENT** [LFB Paper 651] 

SEG	\$861,000
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**Governor/Legislature:** Provide \$467,500 in 2001-02 and \$393,500 in 2002-03 from the forestry account of the conservation fund to update forest fire communications and to purchase fire suppression capital equipment. Of this funding, \$393,500 annually would be used for the purchase of radio system components, including replacement radios with expanded channel capacity, portable and fixed location repeaters, and unicom radios. In addition, \$14,000 is provided for a portable automated weather station that would be used to monitor forest fire conditions at sites where natural disasters (such as windstorms or blowdowns) have occurred until the fire hazard has been removed, and to monitor burning conditions at prescribed burn sites. Five enclosed trailers would also be purchased (at a cost of \$15,000), to store and transport electronic communications equipment to command posts during fires. Finally, funds would be used to equip fire control tractors with strobe lights (to increase their visibility in thick-smoke conditions) and to replace the milling machine at the LeMay Forestry Center (in Tomahawk).

**4. MANAGED FOREST LANDS** [LFB Paper 661] 

SEG	\$300,000
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**Governor:** Provide \$150,000 annually from the forestry account of the conservation fund to contract with private foresters for the development of managed forest land plans (a total of \$300,000 annually would be available for contracts).

**Joint Finance/Legislature:** Further, effective January 1, 2002, expand eligibility for designation as managed forest land if at least 65% of the parcel is producing or is capable of

producing a minimum of 20 cubic feet of merchantable timber per acre per year. Designate as ineligible a parcel (a) of which more than 35% consists of land that is not suitable for producing 20 cubic feet of merchantable timber per acre per year, including water, marsh, muskeg, bog, rock outcrops, or sand dunes; or (b) more than 20% is farmland, roadway, railroad, utility right-of-way, or in reserve due to special resource concern such as sensitive soil, endangered or threatened resources, archeological sites, or the lack of sound forest regeneration recommendations.

Under current law, at least 80% of the parcel must be producing or be capable of producing a minimum of 20 cubic feet of merchantable timber per acre per year in order to be designated as eligible for the managed forest law program. A parcel which consists of more than 20% land that is not suitable for producing 20 cubic feet of merchantable timber per acre per year, including water, marsh, muskeg, bog, rock outcrops, or sand dunes is designated as ineligible.

**Veto by Governor [B-58]:** Delete the Joint Finance expansion of eligibility to designate land as managed forest land.

[Act 16 Vetoed Sections: 2247d, 2247h, 2247p, 2247t and 9337(3f)]

## 5. COUNTY FOREST ASSISTANCE [LFB Paper 662]

SEG	\$742,000
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**Governor:** Provide \$322,000 in 2001-02 and \$420,000 in 2002-03 from the forestry account to establish a grant program to increase the implementation of sustainable forestry practices on county forest land and to fully fund the county forest administrator grant program. Of the total, \$200,000 annually would establish the grant program; and \$122,000 in 2001-02 and \$220,000 in 2002-03 would fully fund the county forest administrator grant program as well as provide for an additional county to be added in each year. [It should be noted that while the intent of this provision is to disperse grants, no statutory language is included to create a county sustainable forestry grant program or establish criteria for this purpose.]

**Joint Finance/Legislature:** In addition, require DNR to establish criteria for the grant program in administrative rule, including eligibility requirements, maximum grant allowances, eligible activities, county match requirements, and a policy addressing the potential proration or prioritization of grant awards (should requests exceed available funds).

**Veto by Governor [B-61]:** Eliminate the requirement that DNR promulgate rules and the specific criteria for the grant program that were to be addressed in administrative rule.

[Act 16 Section: 603u and 1153s]

[Act 16 Vetoed Section: 1153s]

## 6. ASSISTANCE TO PRIVATE FOREST LANDOWNERS [LFB Paper 661]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
SEG	\$1,211,700	8.00	\$1,298,700	15.00	\$2,510,400	23.00

**Governor:** Provide \$346,100 in 2001-02 and \$365,600 in 2002-03 from the forestry account for 3.0 new forester positions and convert 5.0 forester project positions to permanent status to enhance assistance to private forest landowners. Funding and positions would be used to increase contacts between non-industrial private forest owners and DNR foresters or state-contracted private foresters to provide land management guidance. Currently, approximately 99 DNR foresters provide individual consultation to approximately 10,000 landowners annually. In addition, provide \$250,000 SEG annually from the forestry account to increase the allotment for the Wisconsin Forest Landowner grant program (to \$1,250,000 annually). This program provides up to 65% cost-sharing grants (not to exceed \$10,000) to private nonindustrial forest landowners of 500 acres or less to develop and implement management plans.

**Joint Finance/Legislature:** In addition, provide \$570,300 in 2001-02 and \$728,400 in 2002-03 with 15.0 SEG positions from the forestry account to increase the number of field foresters.

## 7. URBAN LAND CONSERVATION

	Legislature (Chg. to Base)	Veto (Chg. to Leg)	Net Change
SEG	\$150,000	- \$150,000	\$0

**Conference Committee/Legislature:** Provide an additional \$75,000 SEG annually from the forestry account to increase funding available to provide a grant to a non-stock, non-profit corporation organized for urban land conservation purposes.

In addition, specify that the corporation have a board of directors or an advisory council or both with members who represent one or more urban or urbanizing areas and who collectively have an interest or expertise in all of the following:

- a. Nonprofit organizations
- b. Businesses
- c. Social services or economic redevelopment
- d. Land development
- e. Architecture
- f. Landscape architecture or resource management
- g. Conservation or environmental protection.

Further, require the corporation to contribute an additional \$25,000 in funds annually to be used with the grant provided, and direct the corporation to create and sustain an active broad-based network for community open space action. Delete as eligible grant activities the provision of technical assistance to groups for urban open space real estate transactions; reclaiming and restoring the natural values of urban parks, urban forests, and open space areas; and the design and construction of amenities in open space areas. Expand eligible activities to include comprehensive urban forest management; improving water and air quality and revitalizing communities through better land use decision making; reducing the presence of toxic substances in neighborhoods; and promoting environmental education and stewardship where people live. (The Urban Open Space Foundation currently receives \$75,000 annually, and provides a \$25,000 match. This provision would double both the grant and match requirements.)

**Veto by Governor [B-60]:** Delete the provision, maintaining current funding levels (\$75,000 in 2001-02) and retaining current requirements (including a \$25,000 match) that the recipient is required to meet.

[Act 16 Sections: 1036em and 1036wm]

[Act 16 Vetoed Sections: 395 (as it relates to s. 20.370(5)(ay)), 1036bx, 1036c, 1036d, 1036e, 1036em, 1036f thru 1036w, 1036x and 1036y]

## 8. FOREST FIRE SUPPRESSION GRANTS [LFB Paper 663]

SEG	\$500,000
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**Governor/Legislature:** Provide \$250,000 annually from the forestry account to increase available cost-share grants to local fire departments to \$775,000 (\$448,000 in forestry SEG and \$327,000 FED). Also, expand the allowable uses of these grants from fire suppression clothing, supplies, equipment, and vehicles to also include fire prevention materials and fire suppression training.

[Act 16 Sections: 604 and 1149]

## 9. STRUCTURAL GRANT PROGRAM FOR RURAL FIRE DEPARTMENTS

	Legislature (Chg. to Base)	Veto (Chg. to Leg)	Net Change
FED	\$500,000	- \$500,000	\$0

**Assembly:** Authorize DNR to create a grant program that would provide grants to fire departments that are considered "first responders" in areas with a population below 6,000, and who have entered into mutual aid agreements for structural fire protection with neighboring fire departments. Grants would be awarded for up to 50% of the cost of equipment used to fight structural fires. Eligible grant uses would include all of the following: (a) personal protective

equipment (including protective clothing, breathing apparatuses, and personal alert safety systems); (b) communication equipment (including radios, base stations, and pagers); (c) suppression tools (including pumps, hoses, dry hydrants, and tool trailers); (d) supplies related to fire prevention (including posters, handouts, and smoke detectors); and (e) training related to structural fires (including equipment, materials, and structural training towers). Ineligible grant expenditures would include buildings, vehicles, search and rescue or emergency medical equipment, or equipment or materials that would be used exclusively for the suppression of forest fires. Provide \$320,000 SEG annually from the forestry account to fund the grant program. In addition, provide \$30,000 SEG annually and 1.0 position from the forestry account to administer the grant program.

**Conference Committee/Legislature:** Authorize Commerce to create a grant program that would provide grants to fire departments that are considered "first responders" in areas with a population below 6,000, and who have entered into mutual aid agreements for structural fire protection with neighboring fire departments. Grants would be awarded for up to 50% of the cost of equipment used to fight structural fires. Eligible grant uses would include all of the following to the extent allowable by federal law: (a) personal protective equipment (including protective clothing, breathing apparatuses, and personal alert safety systems); (b) communication equipment (including radios, base stations, and pagers); (c) suppression tools (including pumps, hoses, dry hydrants, and tool trailers); (d) supplies related to fire prevention (including posters, handouts, and smoke detectors); and (e) training related to structural fires (including equipment, materials, and structural training towers). Ineligible grant expenditures would include buildings, vehicles, search and rescue or emergency medical equipment, or equipment or materials that would be used exclusively for the suppression of forest fires. Designate up to \$250,000 annually be allocated from the Commerce federal community development block grant (CDBG) to fund the grant program.

**Veto by Governor [B-23]:** Delete provision.

[Act 16 Vetoes Section: 3664m]

## 10. FORESTRY EDUCATION AND PARTNERSHIPS [LFB Paper 664]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$400,000	- \$100,000	\$300,000

**Governor:** Provide \$100,000 annually from the forestry account for sustainable forestry education projects for woodland owners. This would include educational programs and best-management conferences to assist landowners in determining when to seek professional forestry guidance and how, in many cases, to help themselves. The conferences on best management practices have been developed with other forestry partners, including University of Wisconsin Extension, Wisconsin Woodland Owners Association, the Forest Productivity

Council, Woodland School, and the Nature Conservancy. Funds would also be used for forestry assistance advertising, publications, and sustainable forestry promotional material for use by the Wisconsin Woodland Owners Association, the Association of Realtors, Farm Bureau, or other external partners who have contact with landowners. Funding would also be available for the operation of Stewardship Demonstration Forests throughout the state as showcases of good forestry practices. Finally, funding would be provided to print and mail a Forest Tax/Forest Stewardship newsletter to approximately 25,000 Forest Tax Law participants, as well as town officials, consultant foresters, and other interested persons. The newsletter would provide information on sustainable forestry as well as reminders about compliance with program requirements.

In addition, provide \$100,000 annually from the forestry account to encourage innovative partnerships among landowners (such as wood cooperatives and landowner associations). Funds would be used for educational programs, organizational assistance, and meeting expenses to foster the new partnerships. This would provide ongoing funding for programs initiated with one-time funding provided in the 1999-01 biennial budget. Half of the annual allocation (\$50,000 each year) would be used to contract with a private, non-profit cooperative development service to assist with the development of business plans and incorporation of wood cooperatives or associations. The Department plans to continue contracting with the UW Extension Center for Cooperatives to develop educational programs focusing on training woodland manager techniques and leadership as part of this initiative.

**Joint Finance/Legislature:** Delete \$50,000 SEG annually to reflect the availability of base funding for the contract with the UW Center for Cooperatives.

## 11. FORESTRY EDUCATION CURRICULUM

SEG-REV	\$638,400
SEG	\$1,062,400

**Joint Finance/Legislature:** Direct DNR (in cooperation with the Wisconsin Center for Environmental Education and the College of Natural Resources at University of Wisconsin – Stevens Point) to develop a kindergarten through twelfth-grade forestry education curriculum to be implemented in Wisconsin schools.

Further, increase the surcharge on the sale of state-produced nursery stock from 1¢ to 2¢ in 2001-02, and to 3¢ per seedling in 2002-03. Specify that all surcharges collected be dedicated to forestry public education and awareness programs. In addition, delete the requirement that the existing 1¢ per seedling surcharge be appropriated for the DATCP gypsy moth eradication effort. Delete the associated DATCP continuing appropriation (\$213,200 annually) and instead provide \$220,000 SEG annually from the forestry account of the conservation fund to support DATCP gypsy moth eradication efforts.

Create a new appropriation that would authorize the expenditure of the surcharge revenue by DNR to contract with University of Wisconsin-Stevens Point for the development of a kindergarten through twelfth-grade forestry education curriculum. In 2001-02, \$300,000 of the

revenue generated from the surcharge would be deposited to this appropriation. Beginning in 2002-03, one-half of all revenue from the surcharge would be deposited (estimated at \$318,700).

In addition, create a continuing appropriation that would authorize the expenditure of the surcharge revenue for public education and awareness efforts to enhance public understanding of the value of sustainable forestry, including support for the Milwaukee County Grounds Forestry Education and Awareness Center, school forests, and educational tools and programming developed by the Wisconsin Forest Resources Education Alliance. In 2001-02, the difference between the actual revenue received from the seedling surcharge and \$300,000 would be deposited to the appropriation (estimated at \$125,000). Beginning in 2002-03, one-half of all revenue from the surcharge would be deposited (estimated at \$318,700). Increasing the surcharge to 2¢ per seedling in 2001-02 is estimated to generate approximately \$425,000. Increasing the surcharge to 3¢ per seedling in 2002-03 is estimated to generate approximately \$637,400.

**Veto by Governor [B-35]:** As a result of the veto of the Department of Forestry, the revenue derived from the increase in the per-seedling surcharge received by DNR for forestry education and curriculum would be changed. Under enrolled SB 55, up to \$300,000 in 2001-02 would have funded the appropriation supporting forestry education curriculum development in cooperation with UW-Stevens Point, with remaining revenues from the seedling surcharge going to support forestry education for the public (estimated at \$125,000 in 2001-02). In subsequent years, revenue from the seedling surcharge would have been divided evenly between the two appropriations (estimated at \$318,700 for each appropriation in 2002-03 in the Department of Forestry). The partial veto deletes the specification that the appropriations each receive 50% of revenues beginning in 2002-03. Rather, the provision specifying that the appropriation supporting forestry education curriculum development would receive up to \$300,000 in 2001-02 only, is made ongoing by deleting the references to fiscal year 2001-02. Therefore, the appropriation supporting forestry education curriculum development will receive up to \$300,000 from seedling surcharge revenues, with all remaining revenues supporting forestry education for the public.

[Act 16 Sections: 424m, 585g, 585h, 1149m and 1153q]

[Act 16 Vetoed Section: 1149m]

**12. MILWAUKEE COUNTY GROUNDS -- FORESTRY  
DEMONSTRATION CENTER [LFB Paper 665]**

SEG	\$400,000
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**Governor:** Provide \$400,000 in 2001-02 from the forestry account to begin planning for a Forestry Demonstration and Education Center which would be built on the Milwaukee County grounds. This funding would support the development of preliminary plans and a concept and budget report. Overall project costs (over four or more years) are estimated at \$15 to \$30 million for buildings, grounds, displays, demonstration areas and infrastructure associated with a potential state forest of at least 110 acres.

**Joint Finance:** Direct DNR, as part of its development process, to conduct a review of alternative locations in Milwaukee County or Southeastern Wisconsin that may be suitable for this project, including Havenwoods State Forest. In addition, prohibit DNR from obtaining any property that is known to contain residual amounts of arsenic or other contaminants at levels that may pose a danger to public health. Finally, require DNR to submit any proposed purchase of rights in the Milwaukee County Grounds to the Joint Committee on Finance under a 14-day passive review process.

**Assembly/Legislature:** Delete the Joint Finance provision directing DNR to conduct a review of alternative locations in Milwaukee County or southeastern Wisconsin that may be suitable for this project, including Havenwoods State Forest. Further, delete the provision prohibiting DNR from acquiring any property for a forestry demonstration center that is known to contain residual amounts of arsenic or other contaminants at levels that may pose a danger to public health. The provision requiring Joint Finance review of the purchase would remain in the bill.

**Veto by Governor [B-55]:** Delete the requirement that DNR submit any proposed purchase of rights in the Milwaukee County Grounds to the Joint Committee on Finance under a 14-day passive review process.

[Act 16 Sections: 1038g, 1038m and 1153p]

[Act 16 Vetoed Section: 1038r]

### 13. FORESTER RECRUITMENT

SEG	\$369,600
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**Governor/Legislature:** Provide \$184,800 annually from the forestry account to improve the diversity and qualifications of forester recruits. Funding would provide limited-term employee (LTE) salary for internship program assistance, LTE technical support for recruitment, mentoring, and training, and supplies and services associated with the program.

### 14. WILLOW FLOWAGE RESOURCE MANAGER

	Funding	Positions
SEG	\$103,000	1.00

**Assembly:** Require DNR to assign one full-time forester to manage the Willow Flowage forest out of the DNR office at Lake Tomahawk. Require that the forester assigned to the flowage meet the following requirements: (a) has received a bachelor's or higher degree from a school of forestry with a curriculum accredited by the Society of American Foresters; and (2) the degree received is for management of forest resources. Require the forester to provide education and support to private landowners, counties, and the general public in the Willow Flowage forest area and to advise how techniques used to manage the Willow Flowage forest can be used elsewhere to promote sound forest management in the state.

**Senate/Legislature:** Provide \$48,000 in 2001-02 and \$55,000 in 2002-03 and 1.0 position from the forestry account of the conservation fund for a Willow Flowage resource manager to oversee the planning and development of the property.

**15. URBAN FORESTRY GRANT PROGRAM [LFB Paper 666]**

	Jt. Finance (Chg. to Base)	Legislature (Chg. to JFC)	Net Change
SEG	\$337,000	\$300,000	\$637,000

**Governor:** Provide \$172,000 in 2001-02 and \$165,000 in 2002-03 from the forestry account to contract for urban forestry specialists to provide technical assistance, education, and training to communities in south central and northeast Wisconsin. Funds would be used to contract for 4,000 hours of specialist support and 2,000 hours of program assistance. The specialists would focus on urban forest ecosystem management in the south central and northeast regions of the state, working in cooperation with DNR regional staff. In addition, expand eligibility for the urban forestry grant program to include counties, towns, and non-profit organizations. Currently, only cities and villages are eligible to receive grants under this program. Urban forestry grants are for up to 50% of the cost of tree management plans, tree inventories, brush residue projects, the development of tree management ordinances, tree disease evaluations, public education concerning trees in urban areas, and other tree projects. The grant program is funded at the base level of \$529,900 annually.

**Joint Finance:** Earmark \$65,000 annually of the \$529,900 available from the urban forestry grant program for tree planting demonstration projects in Milwaukee and Racine. Specify that \$50,000 annually in the 2001-03 biennium only be provided to Greening Milwaukee, a non-profit organization promoting urban forestry in Milwaukee. A similar earmark was made in both the 1997-99 and 1999-01 budgets. In addition, earmark \$15,000 annually in the 2001-03 biennium only to the City of Racine.

**Senate:** Provide \$100,000 SEG annually from the forestry account to increase funding available for grants under the urban forestry grant program. Specify that an additional \$100,000 annually in the 2001-03 biennium only be provided to Greening Milwaukee, a non-profit organization promoting urban forestry in Milwaukee. This would increase the total amount of funds earmarked for Greening Milwaukee to \$150,000 annually for the biennium.

In addition, delete the provision that would expand eligibility for urban forestry grants to towns, counties and nonprofit organizations.

**Assembly:** Provide \$100,000 SEG in 2001-02 only to increase available funding for grants under the Urban Forestry grant program. A total of \$629,900 would be available in 2001-02 and \$529,900 would be available in 2002-03 under the program. Of the available funding, provide \$37,500 in 2001-02 to Winnebago County, \$37,500 in 2001-02 to Outagamie County, and \$25,000 in 2001-02 to Burnett County for tree planting efforts. Further, specify that \$15,000 annually in

the 2001-03 biennium only be provided to Greening Milwaukee, a non-profit organization promoting urban forestry in Milwaukee. In addition, grants of \$15,000 would be provided annually in the 2001-03 biennium to both Racine and Waupaca to support tree planting demonstration projects in these cities.

**Conference Committee/Legislature:** Provide \$200,000 in 2001-02 and \$100,000 in 2002-03 from the forestry account to increase funding available for grants under the urban forestry grant program. Specify that an additional \$100,000 annually in the 2001-03 biennium only be provided to Greening Milwaukee, a non-profit organization promoting urban forestry in Milwaukee. This would increase the total amount of funds earmarked for Greening Milwaukee to \$150,000 annually for the biennium. Also, provide \$37,500 of available funding under the program in 2001-02 to Winnebago County, \$37,500 in 2001-02 to Outagamie County, and \$25,000 in 2001-02 to Burnett County for tree planting efforts. Further, specify that \$15,000 annually in the 2001-03 biennium only would be provided to both Racine and Waupaca to support tree planting demonstration projects in these cities.

In addition, delete the provision expanding eligibility for urban forestry grants to towns, counties, and non-profit organizations. [Due to a drafting error this provision was not removed from the bill. Therefore, towns, counties, and non-profit organizations would remain eligible to receive grants from the urban forestry program.]

**Veto by Governor [B-59]:** Delete the requirement that DNR provide \$15,000 annually in the 2001-03 biennium to both Racine and Waupaca and \$150,000 annually in the 2001-03 biennium to the City of Milwaukee for tree planting demonstration projects.

[Act 16 Sections: 1037, 1038 and 9137(5vv),(5vw)&(5vx)]

[Act 16 Vetoed Section: 9137(5vy),(5x)&(5y)]

## 16. GYPSY MOTH SUPPRESSION

SEG	\$305,400
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**Governor/Legislature:** Provide \$157,200 in 2001-02 and \$148,200 in 2002-03 from the forestry account to address an anticipated increase in demand for services related to the buildup of gypsy moth populations in central and southern Wisconsin. Funds would be used to address the need to develop alternative approaches to controlling the gypsy moth in areas of central Wisconsin where the endangered Karner Blue butterfly (which is susceptible to the insecticide generally used to suppress gypsy moth outbreaks) is also present. In addition, this provision would provide ongoing support for the collection of gypsy moth baseline data used for the testing and refinement of predictive surveys for residential areas, and support the development of management plans required to be eligible for matching federal assistance. The bill would also fund educational efforts and community surveys regarding DNR suppression efforts and local preferences for management of the gypsy moth.

## 17. FOREST TAX LAW

SEG	\$312,000
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**Governor/Legislature:** Provide \$156,000 annually from the forestry account for forest tax law management. Of this amount, \$60,000 annually would support maintenance of the forest tax law database. In addition, \$46,000 annually would provide LTE support in DNR field offices to administer the Wisconsin Landowner Grant Program around the state. This grant program is administered directly by foresters rather than by the Bureau of Community Financial Assistance due to the technical experience and field inspections required to process applications. Finally, \$50,000 annually would be used to increase the funding for technical field assistance (currently funded at \$78,500 annually).

## 18. FORESTRY INFORMATION TECHNOLOGY

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$310,000	- \$310,000	\$0

**Governor:** Provide \$155,000 each year in one-time funding from the forestry account to purchase 44 units of mapping-grade Global Positioning System (GPS) equipment. This would allow DNR to produce electronic maps of forest stands and forest fire activity throughout the state.

**Joint Finance/Legislature:** Delete provision.

## 19. FOREST FIRE EMERGENCY FUND CAP [LFB Paper 667]

**Governor/Legislature:** Increase the cap on unencumbered balances contained in the forest fire emergency fund accounts from \$500,000 to \$1 million. Under the bill, if the sum of the unencumbered balances in these two accounts exceeds \$1 million at the close of any fiscal year the excess amount lapses to the forestry account of the conservation fund. These appropriations are funded by reimbursements from other states and from the federal government for assistance provided by Wisconsin for out-of-state fire suppression efforts.

[Act 16 Section: 1148]

## 20. FOREST PRODUCT MARKETING [LFB Paper 280]

**Governor:** Provide \$250,000 annually from the forestry account of the conservation fund to the Department of Commerce to promote, advertise, publicize and otherwise market products that are made in Wisconsin from timber that is produced in Wisconsin. A separate SEG appropriation would be created in Commerce to fund the program.

**Joint Finance/Legislature:** Delete provision.

## 21. GREAT LAKES FORESTRY MUSEUM

SEG	\$300,000
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**Joint Finance:** Require DNR to make a grant of up to \$300,000 in the fiscal biennium 2001-03 to an organization known as the Great Lakes Forestry Museum to develop (in the city of Rice Lake) a facility for educating the public about the history of forestry and logging in the state.

Provide \$300,000 in forestry SEG in 2001-02. For every dollar received from the state for the project, the organization would provide \$1 in matching funds for the project from a source other than the state.

Within six months after spending the full amount of the grant the organization would submit to DNR a report detailing how the grant proceeds were used.

**Assembly:** Delete provision.

**Conference Committee/Legislature:** Restore Joint Finance provision.

**Veto by Governor [B-57]:** Delete the requirement that DNR provide \$300,000 in 2001-03 to the Great Lakes Forestry Museum. However, the \$300,000 remains in the continuing appropriation for aids to certain non-profit conservation organizations (Gathering Waters and the Natural Resources Foundation).

[Act 16 Vetoed Sections: 603q, 603r, 9137(5mk) and 9437(3mk)&(3mkx)]

## 22. STATE FORESTER

**Senate:** Require that the division administrator of the Division of Forestry be designated as chief state forester. Further, require that the Forestry division administrator be a professional forester, as defined by the Society of American Foresters.

**Assembly:** Direct DNR to designate a chief state forester. Specify that the chief state forester would be required to have received a bachelor's or higher degree from a school of forestry with a curriculum accredited by the Society of American Foresters in the management of forest resources. This provision would apply only to appointments made after the effective date of the bill.

**Conference Committee/Legislature:** Adopt the Senate provision.

[Act 16 Sections: 1038d and 9337(4m)]

## 23. PERROT STATE PARK

**Senate/Legislature:** Direct DNR to conduct a feasibility study relating to the construction of a bridge for hiking or biking trail access at Perrot State Park and submit a report to the Legislature by June 30, 2002. The bridge would provide access from the park to Trempealeau Mountain. Currently, access to the mountain is limited to a railroad bridge.

**Veto by Governor [B-64]:** Delete provision.

[Act 16 Vetoed Section: 9137(8m)]

## 24. STATE PARK ADMISSION FEE INCREASE [LFB Paper 668]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG-REV	\$875,200	-\$239,300	\$635,900

**Governor:** Increase certain park vehicle admissions fees as follows:

	Current Law	Bill	Increase	
			Amount	Percent
Resident annual	\$18	\$20	\$2	11%
Senior Citizen annual	9	9	0	0
Additional annual*	9	10	1	11
Resident daily	5	5	0	0
Nonresident annual	25	30	5	20
Additional non-resident annual*	12.50	15	2.50	20
Nonresident daily	7	10	3	43

\*Issued to an individual for a second vehicle if a full-price annual sticker has already been purchased.

Increased revenues to the parks account are estimated at \$875,200 (\$311,700 in 2001-02 and \$563,500 in 2002-03). This provision would take effect January 1, 2002, or on the day after publication, whichever is later.

**Joint Finance:** In addition, increase the senior citizen annual admission sticker to \$10 (from \$9). This would maintain the admission sticker at one-half the price of a resident annual sticker, and would allow DNR to continue using the same half-price sticker for additional annual admissions stickers and for senior citizen admissions stickers. Further, reestimate revenues based on the increase in senior citizen annual stickers and updated attendance projections. Revenues are expected to increase by \$635,900 (\$207,500 in 2001-02 and \$428,400 in 2002-03).

**Senate:** Maintain the resident annual and senior citizen annual parks admissions stickers at the current price (\$18 and \$9 respectively). Provide \$231,500 GPR (\$74,500 in 2001-02 and \$157,000 in 2002-03) and delete an equivalent amount of SEG expenditure authority from the parks account of the conservation fund.

**Conference Committee/Legislature:** Adopt provision under Joint Finance and delete Senate provision.

[Act 16 Sections: 1150 thru 1153c and 9437(3)]

**25. STATE PARKS FUNDING ADJUSTMENT [LFB Paper 668]**

SEG	- \$2,350,000
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**Governor/Legislature:** Delete \$1,300,000 in 2001-02 and \$1,050,000 in 2002-03 of parks account SEG in order to balance available revenues with authorized expenditures. The following adjustments are included: (a) delete \$700,000 in 2001-02 and \$550,000 in 2002-03 of parks SEG and provide the same amount of GPR for parks general operations; (b) in order to generate the GPR for parks operations, administration, technology, customer assistance and licensing GPR appropriations would be reduced by \$700,000 in 2001-02 and \$550,000 in 2002-03; (c) to further limit parks SEG expenditures reduce administration, technology, customer assistance and licensing SEG appropriations supported by the parks account by \$600,000 in 2001-02 and \$500,000 in 2002-03. Under the bill (and in conjunction with the admission fee increase described separately) the parks account would be expected to have a June 30, 2003, balance of approximately \$270,000. Administration-related GPR and SEG reductions under the bill would be taken from funds appropriated for supplies and services (no staff salary related reductions would be made) as follows:

	<u>2001-02</u>	<u>2002-03</u>
<b>Customer Assistance and External Relations</b>		
CAER Program Management	-\$76,200 GPR -24,600 SEG	-\$59,900 GPR -20,500 SEG
Community Financial Assistance	-39,800 GPR -7,200 SEG	-31,300 GPR -6,000 SEG
Communication and Education	-5,700 GPR -25,800 SEG	-4,500 GPR -21,500 SEG
Customer Service and Licensing	-15,300 GPR -76,200 SEG	-12,000 GPR -63,500 SEG
<b>Administration and Technology</b>		
Human Resources	-4,300 GPR -62,400 SEG	-3,400 GPR -51,700 SEG
Enterprise Information, Technology, and Applications	-153,900 GPR -102,400 SEG	-120,900 GPR -85,400 SEG
Administrative and Field Services	-248,400 GPR -96,100 SEG	-195,100 GPR -80,300 SEG
Finance	-141,000 GPR -139,400 SEG	-110,800 GPR -116,800 SEG
Legal Services	-10,300 GPR -24,400 SEG	-8,100 GPR -20,400 SEG
Administration	-5,100 GPR -24,400 SEG	-4,000 GPR -20,300 SEG
Management and Budget	<u>-17,000 SEG</u>	<u>-13,600 SEG</u>
Total	\$1,300,000	\$1,050,000

**26. CENTENNIAL STATE PARKS STAFFING** [LFB Paper 669]

	<b>Funding</b>	<b>Positions</b>
SEG	\$436,300	3.00

**Joint Finance/Legislature:** Provide \$149,200 in 2001-02 and \$137,100 in 2002-03 and 3.0 positions from parks account SEG for master planning efforts and to begin operations at the Centennial State Parks (one park manager and one naturalist and associated one-time start up costs for Caldron Falls and one park manager and one-time start-up costs at Capital Springs). In addition, provide \$95,000 in 2001-02 and \$55,000 in 2002-03 from the parks account for ongoing operations costs at the two Centennial State Park properties. This would include \$25,000 annually to either provide maintenance and enforcement services at Capital Springs Centennial State Park or to contract with Dane County for cooperative maintenance and enforcement support efforts at the property. In addition, \$70,000 would be available in 2001-02 and \$30,000 in 2002-03 for operations costs and one-time equipment

purchases for Caldron Falls (Tommy G. Thompson) Centennial State Park. The Department of Natural Resources is currently in the process of planning for the development of the two new Centennial State Parks, located in Dane and Marinette Counties. The purchase of these properties with funds from the Warren Knowles-Gaylord Nelson Stewardship 2000 program was approved by the Joint Committee on Finance at the December 19, 2000, meeting under s.13.10. At the April 24, 2001 s.13.10 meeting, the Committee approved a one-time transfer of \$12,000 in 2000-01 only from the Division of Administration and Technology to the Division of Land to authorize the hiring of a park manager for each of the two Centennial State Parks. The bill would provide ongoing funding to support staff and operations at the two properties.

## 27. STATE PARK BEACH MAINTENANCE

	Jt. Finance/Leg. (Chg. to Base)	Veto (Chg. to Leg)	Net Change
SEG	\$300,000	- \$300,000	\$0

**Joint Finance:** Provide \$150,000 SEG annually from the water resources account of the conservation fund for the operation, development and maintenance of beaches at state park and southern forest properties.

**Senate:** Delete provision.

**Conference Committee/Legislature:** Adopt the Joint Finance provision. Further, make a technical correction to place the appropriation in the parks budget under the DNR Land Division (the substitute amendment places the appropriation in the Water Division in error).

**Veto by Governor [B-66]:** Delete provision.

[Act 16 Vetoed Sections: 395 (as it relates to s. 20.370(1)(es)), 585k and 600p]

## 28. STATE TRAIL FUNDING FROM ATV ACCOUNT

SEG	\$200,000
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**Joint Finance:** Provide \$100,000 SEG annually from the all-terrain vehicle account of the conservation fund for the operation and maintenance of state park and southern state forest trails.

**Assembly:** Delete provision.

**Conference Committee/Legislature:** Include Joint Finance provision.

**Veto by Governor [B-67]:** Limit the expenditure of funds from the ATV account to the "maintenance" of trails in state parks or southern state forests by deleting the words "operation and" from the authorizing language.

[Act 16 Section: 590m]

[Act 16 Vetoed Section: 590m]

## **29. STATE PARKS CONCESSIONS**

**Joint Finance/Legislature:** Direct DNR to undertake an analysis of the operations and profitability of concessions sales at private park properties, and to investigate the option of outsourcing concessions operations to the private sector. Further, require DNR to report its findings to the Governor and to the Joint Committee on Finance no later than October 1, 2002.

**Veto by Governor [B-63]:** Delete provision.

[Act 16 Vetoed Section: 9137(4z)]

## **30. TRIBAL GAMING REVENUE TRANSFER TO PARKS**

[LFB Paper 182]

SEG-REV \$1,718,000
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**Governor/Legislature:** Provide a transfer of \$1,000,000 in 2001-02 and \$718,000 in 2002-03 from tribal gaming revenues to the parks account of the conservation fund. The transfer would occur in the 2001-03 biennium only under the bill.

[Act 16 Section: 9237(2)]

## **31. LEASE OF LAND IN THE WISCONSIN DELLS NATURAL AREA**

**Governor/Legislature:** Permit the DNR to lease state park land located within the boundaries of the Wisconsin Dells natural area for terms not exceeding 30 years. Under current law, DNR generally may not lease lands from state forests or parks for terms greater than 15 years. Statutory exemptions have been granted to allow for 30-year leases on lands at the Rib Mountain and Willow River state parks and the Kettle Moraine state forest.

[Act 16 Section: 1147]

## Water Quality

### 1. CONVERT NONPOINT APPROPRIATIONS TO GPR [LFB Paper 675]

	Governor (Chg. to Base)		Legislature (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR-REV	\$5,700,000		\$1,411,400		\$7,111,400	
SEG-REV	- 27,100,000		20,688,600		- 6,411,400	
GPR	\$10,336,400	16.50	- \$10,336,400	- 16.50	\$0	0.00
SEG	- 10,336,400	- 16.50	10,336,400	16.50	0	0.00
Total	\$0	0.00	\$0	0.00	\$0	0.00

**Governor:** Convert \$5,167,700 SEG in 2001-02 and \$5,168,700 SEG in 2002-03 with 16.5 DNR positions from the nonpoint account of the environmental fund to GPR, and transfer \$5,100,000 from the environmental fund to the general fund. The bill would delete or replace SEG appropriations and convert all nonpoint funding to GPR in the following annual amounts: (a) \$386,900 and 5.5 positions for nonpoint source water pollution research, evaluation and monitoring; (b) \$50,000 for water pollution credit trading projects (the continuing appropriation balance would be retained within the new GPR appropriation); (c) \$1,079,300 for nonpoint source water pollution contracts; (d) \$603,800 and 8.0 positions for nonpoint source water pollution administration; (e) \$2,000,000 for urban nonpoint source water pollution grants; (f) \$150,000 for river protection grants; and (g) \$463,600 for the Wisconsin Waters Initiative. The provision would also convert \$128,900 annually and 1.5 positions for total maximum daily load (TMDL) purposes to GPR funding. In addition, 1.5 positions and funding of \$305,200 in 2001-02 and \$306,200 in 2002-03 are replaced by GPR for administration and customer assistance and external relations. Delete the DNR SEG appropriation for rural nonpoint grants (funding in this appropriation was transferred to DATCP under the 1999 biennial budget act).

Further delete current provisions, and the corresponding GPR appropriation, that deposit general fund revenues (GPR) in an amount equal to the annual revenues generated from the \$7.50 automobile title transfer fee to the segregated nonpoint account of the environmental fund (prior to 1997, the actual title transfer fee revenues were annually transferred from the transportation fund to the nonpoint account). Under current law, the Secretary of Transportation must annually certify to the Secretary of Administration the amount of automobile title transfer fees collected during the previous fiscal year, for the purpose of determining the amounts to be transferred to the nonpoint account. The effect of the bill is to allow no revenues or expenditures to or from the nonpoint account of the environmental fund. Thus, with the required transfer of \$5,100,000 (the estimated account balance) to the general fund, the account would be eliminated. Additionally, interest of approximately \$300,000 annually would be earned by the general fund instead of by the nonpoint account.

**Senate/Legislature:** Delete provision, except maintain the deletion of the DNR SEG appropriation for rural nonpoint grants (funding in this appropriation was transferred to DATCP under the 1999-01 biennial budget act), and maintain the transfer of \$5,100,000 from the environmental fund to the general fund on the effective date of the bill. Further, require DNR to transfer \$956,200 on June 30, 2002 and \$1,055,200 on June 30, 2003 from the nonpoint account of the environmental fund to the general fund. It is estimated that interest earnings of approximately \$300,000 annually would be retained in the nonpoint account.

[Act 16 Sections: 611, 9104(4f), 9137(2g) & (2h) and 9237(1) & (2i)]

## 2. RURAL NONPOINT PROGRAM BONDING [LFB Paper 676]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
BR	\$22,400,000	- \$3,400,000	\$19,000,000

**Governor:** Provide an increase in general obligation bonding authority of \$22,400,000 for the nonpoint source water pollution abatement program. Bonding revenue would provide cost share grants for rural landowners to install pollution abatement projects in designated priority watersheds. Additionally, funding would be used for rural and urban competitive nonpoint source projects.

**Joint Finance/Legislature:** Delete \$3,400,000 in general obligation bonding authority.

[Act 16 Sections: 394 and 965]

## 3. TRIBAL GAMING REVENUE FOR ONEIDA NATION NONPOINT GRANTS

PR	- \$240,000
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**Joint Finance/Legislature:** Delete \$120,000 annually from tribal gaming program revenue and delete related appropriation language for funding nonpoint grants and local assistance (staffing) to the Oneida Nation of Chippewa from tribal gaming revenues. As a result, grant funding would instead be allocated from the Departments of Natural Resources and Agriculture, Trade and Consumer Protection GPR, SEG and bonding authorizations.

[Act 16 Sections: 616b and 890p]

## 4. LIMIT PRIORITY WATERSHED FUNDING EXTENSIONS [LFB Paper 675]

**Governor:** Prohibit DNR and the Land and Water Conservation Board (LWCB) from extending funding for a designated priority watershed or priority lake project under the nonpoint water pollution abatement program beyond the funding termination date established

prior to January 1, 2001, or if no funding termination date was set before January 1, 2001, the funding termination date first established after December 31, 2000. Further, require DNR to submit final priority watershed plans to the LWCB for approval (rather than receiving LWCB approval of an earlier draft), and prohibit DNR from implementing the plan without LWCB approval.

**Joint Finance/Legislature:** Delete provision. Instead, prohibit DNR and the Land and Water Conservation Board from extending funding for a designated priority watershed or priority lake project under the nonpoint water pollution abatement program beyond the ending date for the nonpoint source grant agreement period that was in effect on January 1, 2001. However, if DNR determines a delay in implementation was caused by conditions beyond the control of the landowner, allow DNR to extend the funding termination date for a cost-share grant entered into by that landowner for up to one year after the funding termination date.

[Act 16 Section: 3176b]

## **5. NONPOINT -- NOTICES OF DISCHARGE FUNDING**

**Assembly/Legislature:** Require DNR to provide a cost-sharing grant for the cost of measures needed to correct any unacceptable practices identified in a notice of discharge (NOD) to an animal feeding operation. Allow DNR to provide a cost-sharing grant for over 70% of the cost of the corrective measures in cases of economic hardship, as defined by DNR rule. Require that if the cost-sharing grants are provided from the proceeds of general obligation bonds, DNR must pay any such grant to another governmental unit, but allow the Department to provide the grant to the landowner or operator or to another governmental unit if the funding is provided from a nonbonding DNR nonpoint grants appropriation.

**Veto by Governor [B-45]:** Delete provision. Under current law, regulatory funding for animal waste management statutorily may be provided through DATCP or DNR. Counties may use DATCP grants to fund cost-shares for animal waste management practices required as a result of an NOD. In DNR, the competitive nonpoint grant program provides another funding mechanism for the construction of animal waste management practices that are required as a result of an NOD.

[Act 16 Vetoed Section: 3173j]

## **6. SOUTH FORK OF THE HAY RIVER WATERSHED FUNDING**

**Joint Finance:** Extend the statutorily designated South Fork of the Hay River priority watershed sunset date from June 30, 2001, to June 30, 2006, in order to provide additional cost-share grants to landowners in the watershed. Further, require DATCP to provide funding to counties for staffing in the South Fork of the Hay River priority watershed (in Barron, Dunn, Polk and St. Croix Counties) in the same manner as other continuing priority watersheds receive

staffing funds. The South Fork watershed area is exempt from nonpoint requirements related to cost-share rates and the types of best management projects installed. Instead, cost-shares are paid based on the amount of pollution reduced. The watershed was originally designated priority in 1993.

**Assembly/Legislature:** Include the provision as modified to set the sunset date at June 30, 2005.

[Act 16 Section: 3176m]

## 7. COMPETITIVE NONPOINT GRANT SELECTION CRITERIA

**Governor/Legislature:** Allow an area to be considered for a competitive nonpoint grant (DNR's targeted runoff management or TRM program) based on its need for compliance with the agricultural performance standards currently being promulgated by DNR rule (these standards include, among other items, the four prohibitions related to the overflow of manure storage structures, unconfined manure piles, direct runoff and livestock's unlimited access to waters). Further, modify the current competitive grant eligibility requirement that a project cannot be conducted with DATCP cost-share funding in order to receive a TRM grant. Instead, to be eligible for TRM, require that DNR, in consultation with DATCP, must determine that DATCP funding is insufficient to fund the project.

[Act 16 Sections: 3172 and 3173]

## 8. LAKE DISTRICT NONPOINT STAFFING GRANTS

**Governor/Legislature:** Allow DNR nonpoint grants to a lake district for a priority lake (as designated under the priority watershed program) to be used for plan preparation, technical assistance, educational and training assistance, ordinance development and administration. This authority was deleted in the 1999-01 budget act when county local assistance grant funding was shifted from DNR to the Department of Agriculture, Trade and Consumer Protection. However, authority to provide lake district staffing grants was not provided to DATCP.

[Act 16 Section: 3171]

## 9. URBAN NONPOINT AND FLOOD CONTROL FUNDING [LFB Paper 677]

	Governor (Chg. to Base)	Jt. Finance /Leg. (Chg. to Gov)	Veto (Chg. to Leg)	Net Change
BR	\$11,000,000	\$2,700,000	- \$9,000,000	\$4,700,000

**Governor:** Provide an increase in general obligation bonding authority of \$11,000,000 for cost-sharing grants under the urban nonpoint source water pollution abatement and municipal

flood control and riparian restoration programs. Under current law, \$13,000,000 in bonding is authorized for these grants. In addition, change the \$2,000,000 per year urban nonpoint appropriation from annual to biennial. The provision does not specify how much of the \$11 million BR and \$2 million GPR be spent on either program.

**Joint Finance:** Provide an additional \$2,700,000 BR and specify that of the total \$13.7 million, \$4.7 million BR be designated for cost-sharing grants under the urban nonpoint source water pollution abatement program. Further, specify the remaining \$9,000,000 in general obligation bonding authority be designated for municipal flood control and riparian restoration cost-share grants. In addition, maintain the \$2,000,000 per year urban nonpoint appropriation as an annual appropriation from which funds may be spent on either the municipal flood control and riparian restoration program or the urban nonpoint program.

**Assembly/Legislature:** In addition, require DNR to establish and administer a program to provide grants to counties to rehabilitate certain flood control dams. Allocate \$500,000 in 2001-03 of the \$9,000,000 authorized for municipal flood control and riparian restoration cost-share grants for dam rehabilitation grants. Specify that DNR may only provide grants for a project to match federal funds provided under the federal Watershed Protection and Flood Prevention Act of 1953 (PL 83-566). Require DNR to promulgate rules necessary to implement the grant program.

**Veto by Governor [B-44]:** Delete the \$9,000,000 in bonding for municipal flood control and certain statutory references that would have provided funding for the urban nonpoint and municipal flood control programs from two separate appropriations. Retain the \$500,000 earmark to match federal funds for dam rehabilitation, but allocate the amount from the combined appropriation. Further, eliminate the requirement that DNR promulgate rules to implement the flood control dam rehabilitation grant program.

As a result, the act provides a combined total of \$4.7 million in increased general obligation bonding authority for municipal flood control and riparian restoration as well as urban nonpoint cost-sharing, of which \$500,000 is allocated as matching funds for a federally authorized dam rehabilitation grant program.

[Act 16 Sections: 394, 621h, 962, 967, 967e and 1345cm]

[Act 16 Vetoed Sections: 395 (as it relates to s. 20.370(7)(da)), 621h, 962, 967, 967e and 1345cm]

## 10. STORM WATER DISCHARGE PERMITS AND ENFORCEMENT

Funding Positions		
PR	\$625,000	4.00

**Governor/Legislature:** Provide \$300,000 in 2001-02 and \$325,000 in 2002-03 and 4.0 positions for storm water discharge permits. Two water resource engineers and two water resource management specialists would work with communities that

would be required to obtain discharge permits under the bill. Funding is provided from construction site storm water application fees and annual industrial and municipal separate storm sewer permit fees. Allow the fees to be used for storm water discharge permit enforcement activities.

Specify that systems serving an incorporated area with a population of 100,000 or more "as determined by the 1990 federal census" require a permit. Require that the following additional municipal separate storm sewer systems obtain permit coverage for storm water discharge: (a) those serving an area located in an urbanized area, as determined by the latest decennial federal census (areas with a population density of 1,000 or more per square mile with a total population of at least 50,000); (b) those serving an area with a population of 10,000 or more and having a population density of 1,000 or more per square mile that the Department designates based on an evaluation of whether the storm water discharge has the potential to exceed water quality standards, including impairment of designated uses or other significant water quality impacts including habitat and biological impacts; or (c) those contributing substantially to the pollutant loadings of a physically interconnected municipal separate storm sewer system that is required to have a permit. Further, expand DNR rulemaking authority to generally administer storm water discharge permits, and give the Department the option of issuing a citation for storm water discharge permit violations (rather than requiring such a citation currently).

Require those owners or operators that are required to obtain a storm water permit for a discharge associated with an industrial or other activity, and that discharge storm water through one of the municipal separate storm sewer systems described above to submit the following information to the owner or operator of the municipal separate storm sewer system within 60 days of the effective date of the bill: (a) the name of the facility from which the release occurs and the location of the discharge; (b) the name and address of a person to contact for information about the discharge; and (c) a description of the principal products or services provided by the facility and the number of any permit covering the facility. However, allow new operators of industrial storm water discharges to provide the information no later than 180 days before beginning to release storm water into the municipal separate storm sewer system.

Under current law, an owner or operator must obtain storm water permit coverage for a discharge from: (a) a discernible, confined and discrete conveyance of storm water associated with an industrial activity, including construction, that meets criteria in DNR rules; (b) a municipal separate storm sewer system serving an incorporated area with a population of 100,000 or more; or (c) any other facility or activity if the Department determines that the discharge either contributes to a violation of a water quality standard or is a significant contributor of pollutants to the waters of the state. Owners or operators under (a) above currently are required to submit their facility information to the owner or operator of any municipal separate storm sewer system under (b) above.

[Act 16 Sections: 601, 3211 thru 3217 and 3219]

## 11. WISCONSIN WATERS INITIATIVE [LFB Paper 679]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$711,900	- \$711,900	\$0

**Governor:** Provide \$237,300 in 2001-02 and \$474,600 in 2002-03 from the water resources account of the conservation fund to continue development of a computer-based system to improve access to water-related site information electronically. Funding would be used for contracting services, geographic information system (GIS) development, software and other information technology items with a goal of improving mapping and enhancing Internet access to Department data on water levels, flood flows, wetlands, dams, waterway alteration permits and protection standards.

**Joint Finance:** Delete provision.

**Senate:** Restore provision. However, provide the funds from a new, annual appropriation from the nonpoint account of the environmental fund (\$150,000 annually) and from the water resources account of the conservation fund (\$87,300 in 2001-02 and \$324,600 in 2002-03).

**Conference Committee/Legislature:** Delete provision. Instead, place \$100,000 SEG from the nonpoint account of the environmental fund and \$100,000 SEG from the water resources account of the conservation fund in 2002-03 in the Joint Finance Committee's supplemental appropriation for release under a 14-day Joint Finance passive review process (no finding of emergency would be needed) to DNR for continued development of a system to provide computer accessible water resource management information.

**Veto by Governor [B-47]:** Delete provision. The veto does not affect a technical clarification under the bill that broadens appropriation language to reflect the actual expenditures made from a water resources account management appropriation.

[Act 16 Section: 600d]

[Act 16 Vetoed Sections: 395 (as it relates to s. 20.370(4)(ax)), 600r and 9137(2t)]

## 12. WETLAND COMPENSATORY MITIGATION STAFF [LFB Paper 678]

	Funding	Positions
SEG	\$196,900	2.50

**Joint Finance/Legislature:** Provide \$75,600 in 2001-02 and \$121,300 in 2002-03 from the water resources account of the conservation fund for 2.0 water regulation and zoning specialists and 0.5 natural resource specialist for DNR to implement the wetland mitigation program. The staff would review mitigation plans, inspect mitigation sites, review monitoring reports, track the sale of mitigation bank credits and enforce program

regulations. Under current law, DNR may consider a mitigation project or credits from a wetlands mitigation bank to compensate for the filling or dredging of a wetland, if an applicant demonstrates that they have first taken measures to minimize adverse impacts to the wetland.

### 13. WETLANDS MAPPING

SEG	\$340,000
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**Governor/Legislature:** Provide \$170,000 annually from the water resources account of the conservation fund to update county wetland maps and databases and to make them compatible with other DNR databases.

### 14. WATERWAY PERMIT REQUIREMENTS

**Assembly:** Require DNR to notify, in writing, an applicant for a waterway permit under Chapter 30 of the statutes as to whether or not their permit application is complete within 30 days of the application submission. If the application is determined incomplete, require DNR to include in its notification the specific items needed to complete the application. Further, allow an applicant to supplement and resubmit such an application multiple times. Prohibit the Department from demanding items of information that are not specified in the notice as a condition for determining whether the application is complete unless both DNR and the applicant agree, or unless the applicant makes material additions or alterations to the project for which the application has been submitted.

Specify that if no request for a hearing is made and no substantive written objection to permit issuance is received, DNR must either provide notice stating that it will proceed on a permit or schedule a public hearing to be held within 30 days after receipt of the complete application (rather than prior law provisions that specified no time limit for holding a hearing). Further, if an objection is received, require that the public hearing be conducted within 30 days after the hearing is ordered. If DNR schedules or orders a hearing for a permit, in lieu of the hearing, allow a permit applicant to bring an action in circuit court asking that the court order DNR to issue the Chapter 30 waterway permit.

Allow persons to grade or otherwise remove topsoil from the bank of any navigable water where the area exposed by grading or removal is less than 20,000 square feet (versus 10,000 square feet under current law) without obtaining a permit from DNR. Further, remove the requirement that DNR must either provide notice stating that it will proceed on a permit to grade or otherwise remove topsoil from the bank of any navigable water where the area exposed by grading or removal exceeds 20,000 square feet if no objections are received or schedule a public hearing. Under current law, DNR must provide notice of such a permit to the clerks of the county and municipality in which the project or affected body of water is located, to local property owners and to the Milwaukee Metropolitan Sewerage District if the project affects waters located in the District.

**Conference Committee/Legislature:** Delete provision. Instead, require DNR to notify, in writing, an applicant for a waterway permit under Chapter 30 of the statutes as to whether or not their permit application is complete within 60 days of the application submission. If the application is determined incomplete, require DNR to include in its notification the specific items needed to complete the application. Further, allow an applicant to supplement and resubmit such an application multiple times. Prohibit the Department from demanding items of information that are not specified in the notice as a condition for determining whether the application is complete unless both DNR and the applicant agree, or unless the applicant makes material additions or alterations to the project for which the application has been submitted.

Specify that if no request for a hearing is made and no substantive written objection to permit issuance is received, DNR must either provide notice stating that it will proceed on a permit or schedule a public hearing to be held within 60 days after receipt of the complete application (rather than prior law provisions that specified no time limit for holding a hearing). Further, if an objection is received, require that the public hearing be conducted within 60 days after the hearing is ordered.

[Act 16 Sections: 1245g thru 1245s]

## **15. PERMITTING PROCESS FOR THE GREEN BAY AREA**

**Assembly:** Create a lakeshore basin council in DNR consisting of two members appointed by the Governor and one resident each from Brown, Door and Kewaunee Counties appointed by their respective County Boards. Set a four-year term for council membership, but specify that the term of the initial appointee from Kewaunee County would expire on July 1, 2003, from Brown County would expire on July 1, 2005 and from Door County would expire on July 1, 2007. Apply the following provisions only to permit applications and permits for projects or activities sites that are located in Brown, Door or Kewaunee County.

Require DNR to submit each application for a Chapter 30 (waterway) permit that it receives to the lakeshore basin council for its recommendations regarding the issuance of the permit. Require the council to submit its recommendations on the permit to DNR and for DNR to give the council notice of any hearing that is scheduled or ordered on the issuance of a permit. Require the Department of Administration Division of Hearings and Appeals to randomly assign hearing examiners to conduct hearings regarding permit applications. Further, if DNR does not schedule a hearing requested by a permit applicant within 120 days after the Department denies a permit, allow the applicant to request the Division of Hearings and Appeals to schedule a hearing at the earliest date available to the Division.

Require DNR to treat any application for a noncommercial pier or dredging permit as a Type III action under DNR rules regarding environmental analysis and review procedures for Department actions. (Under NR 150, DNR determines Type III actions as those that normally do not have the potential to cause significant environmental effects, affect energy usage or involve unresolved conflicts in the use of available resources. A Type III action generally requires the

issuance of a news release and generally does not require an environmental assessment or environmental impact statement unless the Department determines otherwise.) Exempt the person applying for the permit from the requirement of preparing an environmental assessment unless DNR provides a written determination stating the specific reasons that an assessment is required under NR 150.

Require any person who submits a substantive written objection in response to a permit application to pay DNR a \$25 fee and to submit a sworn affidavit within the next 30 days that specifies the underlying arguments in support of the objection and that the person will appear, present testimony and produce any relevant witnesses in support of the objection in a contested case hearing. Place the burden of proof that DNR should not issue a permit on the person who objected to the permit. Further, if a hearing examiner or court finds that the objection was frivolous, provide that the hearing examiner or court may order the person who objected to the permit to pay the costs, including reasonable attorney fees, incurred by the permit applicant.

If someone other than DNR seeks judicial review of any permit application, require the site of judicial review to be either in a county where the plaintiff resides, where the property involved is located or in another county chosen by the plaintiff. Specify that if DNR seeks judicial review of any permit application hearing, the site of the review would be in the county where the DNR office is located that issued the original decision regarding the permit. Authorize DNR to allow the use of alternate dispute resolution procedures to resolve a permit application dispute in place of a hearing, and require DNR to promulgate administrative rules to establish the requirements and procedures for such an alternative procedure.

**Conference Committee/Legislature:** Delete provision.

## **16. SHORELAND ZONING**

**Assembly:** Remove the requirement that a shoreland zoning ordinance for annexed land enacted by a city or village be at least as restrictive as the county shoreland zoning ordinance it is replacing.

In addition, if DNR, or a county as part of an ordinance, promulgates a shoreland zoning standard that establishes a setback distance (generally the distance landward from the ordinary high-water mark at which a structure may be built), provide that a shoreland zoning ordinance may allow a landowner to use an alternative setback distance if the parcel of land is located between two abutting parcels of land of which at least one has a closer setback distance (due to a nonconforming use or other exemption) than generally required. Require that the alternative setback distance be the average of the two setback distances of the abutting parcels of land.

Further, prohibit shoreland zoning ordinances from prohibiting or limiting repairs or improvements of a building or structure that is located in a shoreland setback area as of the effective date of the act, as long as the repair or improvement does not alter the footprint of the building or is conducted in an area where construction is permitted under the ordinance.

**Conference Committee/Legislature:** Delete provision.

## **17. RETAINING WALL CONSTRUCTION ALLOWANCES**

**Joint Finance:** Allow a riparian owner to construct a retaining wall (a vertical wall designed to prevent land from eroding into a navigable water) above the ordinary high water mark regardless of any other current regulations or permitting requirements, if: (a) the area exposed by grading or removal of top soil does not exceed 10,000 square feet; (b) any material removed from the bed of the navigable water between the retaining wall and the ordinary high water mark during construction will be replaced with comparable material or riprap within 30 days; and (c) the retaining wall meets the following construction standards: (1) the wall incorporates adequate bracing and anchors to ensure structural stability; (2) a filter fabric lining containing a layer of gravel extends from the landward side of the retaining wall to facilitate drainage; (3) the base of the wall extends to a sufficient depth into the waterway bed to ensure structural stability and prevent wall failure; and (4) the ends of the wall are placed into the bank to prevent erosion or scouring.

Further, allow a riparian owner to construct a retaining wall in a navigable waterway in the Wolf River and Fox River basin area (defined to consist of all of Winnebago County; the portion and shoreline of Lake Poygan in Waushara County; the area south of STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that portion of Outagamie County south and east of USH 41; that portion of Waupaca County that includes the town of Mukwa, city of New London, town of Caledonia, town of Fremont, and the portion and shoreline of Partridge Lake and the Wolf River in the town of Weyauwega) that extends beyond the ordinary high water mark without obtaining a DNR waterway permit under s. 30.12 if it meets all of the standards outlined below.

Require that the retaining wall be either a new or replacement wall located in a connected artificial enlargement to a navigable water, or be a replacement of an existing retaining wall in a navigable water. Further require that if the retaining wall is a replacement wall, that it be constructed not more than two feet waterward of any existing retaining wall. Require riprap be placed at the base of the waterward side of the retaining wall up to the waterline, except for mooring locations where the level of riprap can be reduced to allow adequate space for the mooring of one or more watercraft. In addition to meeting the construction standards specified in 1-4 above, require that the retaining wall be constructed of treated wood and built at the lesser of: (a) the existing grade of the land; (b) four feet above the ordinary high water mark, or (c) only high enough to prevent overtopping by wave action.

**Senate:** Delete provision.

**Conference Committee/Legislature:** Include the second and third paragraphs of the Joint Finance provision (to allow a riparian owner to construct certain retaining walls in the Wolf River and Fox River basin area without a DNR permit).

[Act 16 Sections: 1247r and 1261m]

## **18. LAKE KOSHKONONG COMPREHENSIVE PROJECT**

**Joint Finance/Legislature:** Allow the Rock-Koshkonong public inland lake protection and rehabilitation district, upon DNR approval, to implement a project developed and approved by the U.S. Army Corps of Engineers to place structures and/or fill on the bed of Lake Koshkonong for any of the following purposes: (a) to improve navigation or to provide navigation aids; (b) to restore or protect wetland habitat or water quality; (c) to create, restore or protect fish and wildlife habitat; or (d) to enhance the natural aesthetic value or improve the recreational use of the lake. Specify that the location of any structure or fill placed as part of this project be located within the area that consists of sections 10, 13, 18, 19, 20, 24, 33, and 35, T5N, R13. Further, require that any structure or fill placed as part of the project may only be used as a site for the placement of navigational aids approved by DNR, for activities to protect or improve wildlife or fish habitat, including the placement of DNR-approved fish or wildlife habitat structures, or for open space for recreational activities for the public. In addition, exempt the District from meeting general waterway permitting requirements under s. 31.12 of the statutes for the implementation or maintenance of the project.

Require the District to submit plans and specifications before beginning any activity involving the placement of a structure or fill as part of the project to DNR. Require the Department to comply with current law environmental impact requirements and to review the plans and specifications and gather any other information necessary to effectively evaluate the structural and functional integrity of the proposed structures and fill. Further, require DNR to hold a public informational meeting to discuss the proposal and to approve the plan with conditions it determines necessary to protect the public interest in water, if the Department finds that the structure or fill is structurally and functionally sound and that the structure or fill will further a purpose specified under (a) to (d) above, and will not: (a) materially effect the flood flow capacity of the Rock River; (b) materially obstruct navigation; (c) cause material injury to the rights of an owner of lands underlying any such structure or fill or of riparian lands affected by the project; (d) cause environmental pollution; or (e) be detrimental to the public interest.

Require the Rock-Koshkonong Lake District to maintain all structures and fill that are part of the project to assure that the structures and fill do not impair the safety of the public and remain in compliance with above requirements. Provide that the District owns all structures or fill that are part of the project and allow any employee or agent of DNR to have free access during reasonable hours to inspect the project's structures or fill. In addition, prohibit the District from transferring ownership of any part of the project unless DNR provides written approval and the transfer is to a

public entity, as defined by DNR rule. Require DNR to monitor the Rock-Koshkonong Lake District project to assure that the project is furthering a purpose for which it is authorized. Further, allow DNR to order the structure be modified, repaired or removed if necessary to comply with above requirements.

[Act 16 Section: 1261g]

## **19. EXEMPT PIERS AND BOAT SHELTERS FROM REGULATION**

**Assembly:** Exempt piers or boat shelters that were in place on January 1, 2001 or that were seasonally placed at the same location in each of the years between 1996 and 2000 from DNR enforcement authority and permitting requirements, unless the riparian owner reconstructs or materially alters the pier or boat shelter after January 1, 2001. The exemption includes current law regulations that allow DNR to require a riparian owner to repair, renovate, modify or remove a pier or boat shelter under s. 30.12 of the statutes (generally prohibiting structures and deposits in navigable waters). The exemption also includes current law regulations that allow DNR to require the person who placed the pier or the owner of riparian land that abuts the pier to repair, renovate, modify or remove a pier.

In addition, exempt piers that were in place on January 1, 2001 or that were seasonally placed at the same location in each of the years between 1996 and 2000 from permitting requirements and enforcement authority of DNR, the governing body of a city, village or town, or a designated officer unless the riparian proprietor reconstructs or materially alters the pier after January 1, 2001. The exemption includes current law regulations that allow requirements that a riparian proprietor repair, renovate, modify or remove a pier under s. 30.13 of the statutes (regulating wharves, piers and swimming rafts and the establishment of pierhead lines). The exemption also includes piers that interfere with public rights or the rights of other riparian proprietors in navigable waters.

Further, void all DNR administrative rules currently in force that were promulgated under s. 30.12, s. 30.121 (regulating boathouses and houseboats), s. 30.13, and s. 30.131 (regulating wharves and piers placed and maintained by persons other than riparian owners). Require DNR to promulgate new rules to replace the voided rules and to submit the proposed rules to the Legislative Council staff by the first day of the 13<sup>th</sup> month after the effective date of the bill. Allow DNR to promulgate these rules as emergency rules without the finding of emergency for use until the effective date of the permanent rule.

**Conference Committee/Legislature:** Delete provision.

## **20. REPAIRS TO HISTORICALLY OR CULTURALLY VALUABLE BOATHOUSES**

**Assembly/Legislature:** Exempt boathouses or fixed houseboats that a state or local historical society determines have a historic or cultural value, from current law regulations

regarding their repair or maintenance. Under current law, generally the riparian owner of any boathouse or fixed houseboat extending beyond the ordinary high-water mark of any navigable waterway may repair and maintain the boathouse or fixed houseboat only if the cost of the repair or maintenance does not exceed 50% of its value.

[Act 16 Section: 1252m]

## **21. PUBLIC ACCESS TO EXPOSED SHORE BELOW THE ORDINARY HIGH-WATER MARK OF A STREAM**

**Assembly/Legislature:** Limit the public use of the exposed land between the ordinary high-water mark and the edge of a navigable stream without the permission of the riparian owner to only those instances where it is necessary to exit the body of water to bypass an obstruction (rather than to engage in water related recreational activity, under prior law). Specify that the public must enter this area from the stream, from a point of public access or with the permission of the riparian owner.

A 1999 Act 9 provision authorized public use of the exposed shore on certain navigable streams for water-related recreational activities (including swimming, fishing and boating). The provision prohibited the public from using the exposed land to: (a) generally use a motorized vehicle; (b) place a structure or object on the exposed shore area that remains after the person leaves the exposed shore area; (c) cut or remove trees or woody vegetation; (d) remove or damage soils or plants; (e) remove or damage any object that was placed on the exposed shore area by the riparian; and (f) camp overnight. The act replaces this provision by limiting public access to the exposed stream shore, up to the high-water mark, only as necessary to bypass an obstruction.

[Act 16 Sections: 1255d thru 1255v]

## **22. WATER QUALITY CERTIFICATION FOR NONFEDERAL WETLANDS**

**Assembly:** Remove the 2001 Act 6 provision that DNR determine best management practices regarding the construction or maintenance of farm roads, forest roads or temporary mining roads that allow for exemptions to water quality certification requirements for nonfederal wetlands.

Require DNR to promulgate rules to interpret all exemptions to water quality certification requirements for nonfederal wetlands that are identical to (rather than consistent with) existing federal law, and require that any additional federal law or interpretation that is incorporated in the rules also be identical to the additional federal law or interpretation. Under Act 6, DNR is allowed to modify the additional federal law or interpretation, as it deems necessary.

If DNR chooses to issue general water quality certifications under Act 6, require that they be identical to (rather than consistent with) all of the general permits issued under federal law

that applied on January 8, 2001. Further, specify that DNR be required to incorporate any amendments or modifications to the general permits issued under federal law after January 8, 2001 so that the general water quality certification continues to be identical to the general permit.

**Conference Committee/Legislature:** Delete provision.

## **23. LAKE BELLE VIEW AND SUGAR RIVER PROJECT**

**Conference Committee/Legislature:** Allow the village of Belleville, upon DNR approval, to place fill on all or part of the portion of the bed of Lake Belle View located in Dane County for any of the following purposes: (a) to improve fish and wildlife habitat; (b) to create and enhance wetlands; (c) to improve the water quality of Lake Belle View and the Sugar River; (d) to enhance the recreational use and aesthetic enjoyment of Lake Belle View and the Sugar River; (e) to separate Lake Belle View from the Sugar River by creating an artificial barrier from lake bottom sediment or other means; (f) to create suitable lake bottom depths or contours in Lake Belle View; or (g) to promote the growth of desirable wetland plants. If the village of Belleville creates an artificial barrier from lake bottom sediments under (e) above, require the village to also place lake bottom sediments in adjacent areas, upon DNR approval, to create and enhance wetlands. Further, upon DNR approval, allow any lake bottom sediments that are unsuitable for the creation of an artificial barrier under (e) above to be placed in any agricultural field adjacent to Lake Belle View.

Require the village of Belleville to submit to DNR any plans or other information that DNR considers necessary for it to effectively determine whether to approve the placement of fill for the above purposes. In addition, require the village of Belleville to ensure that any authorized artificial barrier: (a) will have no structure except those necessary for one of the purposes above placed on the barrier; (b) will not materially obstruct navigation or reduce the effective flood flow capacity of a stream; (c) is not detrimental to the public interest; (d) is owned by a public entity and the public is granted free access to the barrier solely for use as open space for recreational purposes; and (e) remains in as natural a condition as is practicable, as determined by DNR. Further, require the village to ensure that any construction draw down of Lake Belle View related to the creation of any authorized artificial barrier occurs only once.

Require the village of Belleville to maintain any authorized artificial barrier. However, allow any landowner of more than 500 feet of Lake Belle View shoreline, a portion of which is located within 1,000 feet of the barrier, to maintain the barrier upon DNR approval if the landowner is dissatisfied with the village maintenance. Further, allow DNR to require the village or the landowner to maintain the barrier in a structurally and functionally adequate condition.

Further, require that any artificial barrier created and all related maintenance comply with all state laws relating to navigable bodies of water except for permitting requirements

under s. 30.12 (1) and s. 30.12 (2) (generally prohibiting placing structures and deposits in navigable waters without a permit). Require the village of Belleville (or its successors or assigns) to pay any costs incurred by the state to construct, maintain, improve or remove any such artificial barrier. In addition, grant the state, its officers, employees and agents immunity from liability for acts or omissions that cause damage or injury and that relate to the construction, maintenance or use of any authorized artificial barrier.

[Act 16 Section: 1261k]

#### 24. DAM EMERGENCY FUND [LFB Paper 680]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$100,000	- \$100,000	\$0

**Governor:** Provide \$50,000 annually from the water resources account of the conservation fund for costs associated with emergency safety actions, such as breaches and drawdowns of failing dams, in situations that pose an imminent threat to life and property.

**Joint Finance/Legislature:** Delete provision.

#### 25. DAM INSPECTIONS

**Assembly:** Eliminate statutory provisions requiring DNR to inspect each large dam that is maintained or operated in or across navigable waters every ten years. Instead, require public and private owners of dams to have the dam inspected every ten years by a private inspector or engineering firm. Require DNR to maintain a list of professional engineering firms suitable for conducting dam inspections. Require the owner or responsible party for the dam to submit a record of the inspection to DNR within six months of the inspection. Specify that dam inspections performed by DNR prior to July 1, 2002, qualify under the ten-year requirement. Further, require DNR to work collaboratively with DATCP to establish an on-line, reverse-auction bid site where private and public dam owners may post requests for inspections and receive bids from potential inspectors or engineering firms. The Department would retain the authority to inspect or to require the inspection of any reservoir. In addition, DNR would be authorized to inspect any dam for which an inadequate inspection report was prepared if the owner or certified inspector fails to inform the Department within 90 days of the date after receipt of the written notification from DNR as to the steps that would be taken for the inspection to be adequately completed, or if the owner fails to submit a report containing an adequate inspection (as determined by DNR) within 200 days of the date of the receipt of the written notification from the Department. Delete \$149,300 GPR in 2001-02 and \$199,000 GPR in 2002-03 and 3.5 GPR-supported positions related to dam inspections.

**Conference Committee/Legislature:** Delete provision.

**26. CAZENOVIA DAM [LFB Paper 680]**

	Governor (Chg. to Base)	Jt. Finance (Chg. to Gov)	Legislature (Chg. to JFC)	Net Change
BR	\$250,000	- \$250,000	\$250,000	\$250,000

**Governor:** Provide \$250,000 of segregated revenue supported bonding from the water resources account of the conservation fund for the municipal dam safety program. Further, require DNR to provide the amount necessary, up to \$250,000, to repair the dam located in the Village of Cazenovia. The Village would not need to apply for a grant. In addition, it would be exempted from both the grant cap of \$200,000 and the matching funds requirement of the dam safety grant program.

**Joint Finance:** Delete provision.

**Senate/Legislature:** Restore provision.

[Act 16 Sections: 968c and 1345b]

**27. WATER INTEGRATION TEAM**

**Assembly:** Delete \$440,200 GPR annually and 6.5 positions assigned to the water integration team. The water integration team supports the operations of regional and central offices and promotes the integration of the watershed management, fisheries management and habitat protection, drinking water and groundwater, and Mississippi/Lower St. Croix subprograms.

**Conference Committee/Legislature:** Delete provision.

**28. FISH LAKE WATER LEVELS**

**Assembly/Legislature:** Earmark \$200,000 SEG in 2001-02 only from the lake management grant program for water quality and lake level improvements of the Fish, Crystal and Mud Lakes in northwestern Dane County. Funds would be provided to Dane County, and the matching requirement would not apply. Project activity would include the installation of a water pump and drain pipe from Fish Lake into the Wisconsin River, with a goal of lowering the water level of the lake by approximately two feet below current levels. Dane County, together with Columbia County and the townships of Roxbury and West Point, would be responsible for funding the remainder of the project, estimated at a total cost of \$350,000.

**Veto by Governor [B-48]:** Delete the provision.

[Act 16 Vetoed Section: 9137(8q)]

## 29. SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION

SEG	\$200,000
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**Assembly/Legislature:** Provide \$200,000 SEG from the water resources account in 2001-02 to the recreational boating aids program. Direct DNR to provide a \$200,000 grant to the Southeastern Wisconsin Fox River Commission. The Commission is responsible for a variety of activities, including: (a) initiating and coordinating surveys and research projects relating to the Southeastern Wisconsin Fox River basin; (b) act as a liaison between federal, state, and local agencies and other organizations involved in protecting, rehabilitating, and managing water resources; and (c) providing public information relating to the Southeastern Wisconsin Fox River.

[Act 16 Sections: 605, 605b and 9137(9n)]

## 30. WETLAND ENHANCEMENT AND RESTORATION GRANTS

**Assembly:** Require DNR to provide \$250,000 annually in the 2001-03 biennium only for grants to local units of government from available funds under the lake management grants program. Grants of \$10,000 each would be provided to eligible recipients in the order in which the grant applications are received by the Department for wetlands restoration or enhancement programs. Any local unit of government that has completed a comprehensive land use plan that includes a wetlands enhancement or restoration project as part of that plan would be eligible to apply. Specify that if the proposed project site is located in or near a drainage district, the drainage district commission must agree to allow the proposed project before grant funding could be awarded.

**Conference Committee/Legislature:** Adopt the Assembly provision. However, delete the requirement that a drainage district commission must agree to allow the proposed project before grant funding could be awarded if the proposed project site were located in or near a drainage district.

[Act 16 Sections: 3200m, 3206m and 3206r]

## 31. WISCONSIN RIVER COORDINATOR

	Legislature (Chg. to Base)		Veto (Chg. to Leg)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
SEG	\$101,000	1.00	-\$101,000	- 1.00	\$0	0.00

**Senate/Legislature:** Provide \$46,000 in 2001-02 and \$55,000 in 2002-03 and 1.0 position from the water resources account of the conservation fund for a Wisconsin River coordinator. This position would be responsible for coordinating the construction and operation of a Wisconsin River resource center. The resource center would provide information, educational programs, and tourism promotional activities related to the Wisconsin River. The position would be located within the DNR Rhinelander office, and would report to the regional director of the DNR.

**Veto by Governor [B-80]:** Delete the provision by lining out the appropriated amount and writing in the lower amounts. Further, the Governor's veto message requests the DOA Secretary to not allot the funds or authorize the position.

[Act 16 Vetoed Section: 395 (as it relates to s. 20.370 (4)(aq))]

### **32. ADOPT A RIVER PROGRAM**

**Assembly/Legislature:** Authorize DNR to promulgate rules to create a program that would encourage volunteers to oversee a section of a lake, river, wetland, or ravine in order to take responsibility for annual clean up efforts and to ensure the long-term environmental health of the area. The Department would supply educational support and necessary supplies (such as rubbish bags and gloves) to the volunteers. In addition, DNR would be required to track information related to the program, including pounds of rubbish collected, volunteer hours provided, and descriptions of debris found, and would be directed to publicly recognize volunteer groups for their efforts.

[Act 16 Section: 1261p]

### **33. FISH LADDER EXEMPTION**

**Joint Finance:** Exempt the City of Jefferson from any requirement that a dam owned by the city be required to install a fish ladder. Further, specify the city be eligible for a dam safety grant for the city owned dam.

**Senate:** Delete provision.

**Assembly/Legislature:** Include Joint Finance provision.

**Veto by Governor [B-75]:** Delete provision.

[Act 16 Vetoed Sections: 1340r and 1345c]

### 34. INVASIVE PLANTS MANAGEMENT [LFB Paper 681]

SEG

\$600,000

**Governor:** Provide \$300,000 annually from the water resources account of the conservation fund to begin a comprehensive program to manage invasive species. Funds would be used for watercraft inspection for invasive plants, information and educational efforts relating to the transport of invasive species, monitoring of affected ecosystems, and bio-control of purple loosestrife using *Galerucella* beetles. In addition, create statutory language authorizing DNR to establish an invasive plants management program. The goal of the program would be to: (a) protect and develop diverse and stable communities of native aquatic plants; (b) regulate how aquatic plants are managed; and (c) provide education and conduct research concerning invasive aquatic plants.

Authorize DNR to regulate the introduction, cutting, removal, destruction or suppression of invasive aquatic plants. Designate Eurasian water milfoil, curly leaf pondweed, and purple loosestrife as invasive, and grant DNR the authority to designate any other aquatic plant as invasive by administrative rule if the plant (a) has the ability to cause significant adverse change to desirable aquatic habitat; (b) to significantly displace desirable aquatic vegetation; or (c) to reduce the yield of products produced by aquaculture.

Authorize DNR to issue aquatic plant management permits. Permits may specify (a) the quantity of the aquatic plant to be managed; (b) the species of the aquatic plant to be managed; (c) the areas in which the aquatic plants may be managed; (d) the methods that may be used for the management of aquatic plants; (e) the times during which aquatic plants may be managed; and (f) allowable methods for disposing of or using aquatic plants that are removed or controlled under an aquatic plant management permit. Require possession of a valid permit to do any of the following: (a) introduce non-native aquatic plants into the waters of this state; (b) manually remove aquatic plants from navigable waters; (c) control aquatic plants in any waters of the state by the use of chemicals or by the introduction of biological agents, or (d) control aquatic plants in navigable waters by any process that involves dewatering, desiccation, burning, or freezing or by mechanical means. A person violating these provisions would be subject to a forfeiture of not more than \$200. If a person has been convicted of violating this same provision within the last five years, they would forfeit not less than \$700 and not more than \$2,000, or could be imprisoned for not less than six months nor more than nine months, or both.

Authorize the DNR to establish fees for aquatic plant management permits; however, allow DNR to establish a different fee for an aquatic plant management permit pertaining to plant management in a body of water that is entirely confined on the property of one owner. No estimate of revenues is made. Permit the DNR to require that an application for an aquatic plant management permit contain a plan for the department's approval as to how the aquatic plants will be introduced, removed, or controlled. A person who is convicted of a second or subsequent violation may be ordered by the court to abate any nuisance caused by the violation, restore any natural resource damaged by the violation, or take other appropriate action to eliminate or minimize any environmental damage caused by the violation.

Exemptions to the permit requirement would include: (a) manually removing aquatic plants from privately owned stream beds with the permission of the owner; (b) persons engaged in the harvesting of wild rice; and (c) persons engaged in the operation of an authorized fish farm. In addition, allow the DNR to waive the permit requirement by rule for any of the following: (a) a person who owns property on which there is a body of water that is entirely confined on the property of that person; (b) a riparian owner who manually removes aquatic plants from a body of water that abuts the owner's property, provided that the removal does not interfere with the rights of other riparian owners; (c) a person who is controlling purple loosestrife; (d) a person who uses chemicals in a body of water for the purpose of controlling bacteria on bathing beaches; (e) a person who uses chemicals on plants to prevent the plants from interfering with the use of water for drinking purposes; or (f) a state agency or local governmental unit that uses a chemical treatment in a body of water for the purpose of protecting public health.

Prohibit the distribution of an invasive aquatic plant. The forfeiture for distribution could not exceed \$100. In addition, prohibit removing, selling, or transporting any native plant or plant product commonly used to furnish food for game birds, including duck potato and wild celery, out of public waters. This prohibition would not apply to wild rice.

Require individuals to remove aquatic plants from a boat, boat trailer, or boating equipment before placing it in navigable water. Grant DNR conservation wardens and local law enforcement officers the authority to remove or prohibit the placement of a boat, boat trailer, or boating equipment in navigable water if the officer has reason to believe that the equipment may have aquatic plants attached. Require the DNR to prepare a notice summarizing this requirement and to make the notices available. Further, require owners to post and maintain the notice at public boat access sites.

**Joint Finance/Legislature:** In addition, authorize DNR conservation wardens or local law enforcement officers to remove or prohibit the placement of a boat, boat trailer, or boating equipment in navigable waters if the officer has reason to believe that the equipment may have zebra mussels attached. Further, specify that fees for aquatic species management permits be established by administrative rule.

[Act 16 Sections: 1040 thru 1042, 1203, 1253 thru 1255, 1307 thru 1317, 1330, 1331, 3161 and 9337(1)]

### **35. PREMIER LAKES PROGRAM [LFB Paper 682]**

**Governor:** Establish a Premier Lakes program that allows lake associations which meet certain criteria to receive lake management planning grant funding for up to 75% of project costs, but no more than \$25,000 per grant. The current maximum allowable planning grant award of \$10,000 would remain for all other qualifying lake associations.

To qualify for the premier lakes program, lake associations must be incorporated and meet all of the requirements of a qualified lake association. In addition, the premier lake associations would need to demonstrate that they (a) have as paid members at least 50% of the individuals that meet either of the following criteria: (1) own property on or within one mile of the lake; or (2) that live on or within one mile of the lake for at least one month of the year (but no less than 25 members); (b) held at least two regularly scheduled meetings of its members each year; (c) distribute at least one annual newsletter; (d) promote annual monitoring of private sewage systems, and encourage real estate owners who are eligible to be members to upgrade failing systems; (e) promote the use of phosphate-free or other environmentally safe soaps by residents and real estate owners who are eligible to be members; (f) promote water safety and the protection of the natural fish population in, as well as the wildlife population near, each inland lake for which the association was incorporated; (g) cooperate with any local, state, or federal programs that provide support for the protection or improvement of any of the inland lakes for which the association was incorporated; and (h) actively raise funds for all of the following activities: (1) signs at public access sites on inland lakes providing information on nuisance species; (2) washing stations for boats or boating equipment; (3) in-kind contributions to assist the DNR to control aquatic nuisance species; (4) manuals addressing the responsibility for managing the resources of inland lakes; and (5) surveys to monitor the water quality of inland lakes. Repeal the statutory \$10 minimum and \$25 maximum annual membership fee and grant DNR the authority to establish the minimum and maximum allowable membership fee requirements for eligibility by rule.

A school district would be eligible to receive a planning grant under this program provided that it adopts a resolution to conduct a lake management planning project that would provide information or education on the use of lakes or natural lake ecosystems, on the quality of water in lakes, or on the quality of natural lake ecosystems. In addition, the school district would be required to allow another eligible recipient of lakes planning grants to cooperate with the school on the planning project. The scope of eligible planning projects would be expanded to include programs and materials that promote the monitoring of private sewage systems, a reduction in the use of environmentally harmful chemicals, promotion of water safety activities and protection of natural lake ecosystems.

Require DNR to give higher priority to any group that is designated a premier lake association in awarding grants under the lake management grant program (which provides for up to 75% of the cost of a project up to \$200,000 per grant). Expand the provisions of the lake management grant program to include restoration of shoreline habitat as an eligible activity. Permit DNR to expend up to \$5,000 each fiscal year for the design and manufacturing of signs, to be provided to premier lake associations, that identify the lakes for which the premier lake associations were incorporated.

Under the bill, lake protection planning and management grants are funded at the base level of \$2,675,400 annually from the water resources account of the conservation fund.

**Joint Finance/Legislature:** Delete the provisions that would have established a Premier Lakes program, including: (a) allowing lake associations that meet specified criteria to receive lake management planning grant funding for up to 75% of project costs; (b) that DNR to give higher priority to any group that is designated a premier lake association in awarding grants under the lake management grant program (which provides for up to 75% of the cost of a project up to \$200,000 per grant), and (c) DNR authority to expend up to \$5,000 each fiscal year for the design and manufacturing of signs, to be provided to premier lake associations, that identify the lakes for which the premier lake associations were incorporated.

Approve the remaining Governor's recommendations to expand the provisions of the lake management grant program to include restoration of shoreline habitat as an eligible activity. Further, expand eligibility requirements for lake management planning grants to school districts, provided that the district adopts a resolution to conduct an eligible lake management planning project, and the school district allows another eligible recipient of lakes planning grants to cooperate with the school on the planning project. In addition, DNR would have the authority to establish the minimum and maximum allowable membership fee for qualified lake associations by rule. Further, the scope of eligible planning projects would be expanded to include programs and materials that provide the monitoring of private sewage systems, a reduction in the use of environmentally harmful chemicals, promotion of water safety activities and protection of natural lake ecosystems.

[Act 16 Sections: 1318 thru 1328, 3180 thru 3199, 3201 thru 3206 and 9337(2y)&(2z)]

### **36. GREAT LAKES REMEDIATION BONDING**

BR	\$2,000,000
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**Governor/Legislature:** Provide \$2,000,000 in general obligation bonding authority to conduct remedial action at Great Lakes areas of concern such as contaminated sediments in harbors and rivers on the Great Lakes. The request would increase DNR's general obligation bonding authority (with GPR debt service payments) for Great Lakes remedial actions from \$5 million to \$7 million.

[Act 16 Section: 966]

### **37. DRINKING WATER -- SURVEILLANCE OF NON-COMMUNITY WATER SYSTEMS**

FED	\$300,000
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**Governor/Legislature:** Provide \$150,000 annually from federal safe drinking water grants to increase current payments and to contract with at least six additional counties to conduct a surveillance program for noncommunity water systems. The federal Safe Drinking Water Act mandates that the state conduct a surveillance program for the approximately 9,000 noncommunity water systems in the state. Noncommunity water systems serve more than 25 persons per day for at least 60 days per year, and typically include commercial facilities, restaurants, campgrounds and churches. Currently, DNR contracts with 13 counties to inspect

2,100 water supply systems, analyze water samples for coliform and nitrates and follow-up on any samples that exceed drinking water standards.

### 38. SEPTAGE MANAGEMENT STAFF

**Governor/Legislature:** Provide \$84,200 SEG annually from the environmental fund to convert 2.0 project septage management positions (expiring June 30, 2001) to permanent.

Funding Positions		
SEG	\$168,400	2.00

### 39. FACTS SYSTEM

**Governor/Legislature:** Provide \$30,000 annually from the environmental management account of the environmental fund for ongoing maintenance and computer time for the FACTS system. The FACTS system is a computer information system developed with a federal grant to provide integrated information about facilities with environmental concerns. It provides information about wastewater discharge, public water supply, solid and hazardous waste, air permits and toxic release inventory programs. The FACTS system has \$10,000 in environmental fund SEG base funding.

SEG	\$60,000
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### 40. LABORATORY CERTIFICATION STAFF

**Governor/Legislature:** Provide \$17,000 in 2001-02 and \$40,900 PR in 2002-03 to convert 1.0 laboratory certification program position from project (expiring on February 3, 2002) to permanent.

Funding Positions		
PR	\$57,900	1.00

### 41. REGULATION OF HIGH-CAPACITY WELLS

**Joint Finance:** Modify the authority of DNR to regulate high-capacity wells (capacity exceeds 100,000 gallons per day) to require that DNR: (a) provide in each approval for a high capacity well that the water withdrawn from the well may not be used to produce bottled drinking water unless DNR approves use of the well for that purpose; (b) withhold, condition, or modify its approval in order to minimize adverse effects to the quality or quantity of waters of the state caused by a high-capacity well used to produce bottled drinking water; (c) prepare an environmental impact statement for each decision by the Department to approve the use of a well to produce bottled drinking water; (d) not apply the provisions to a withdrawal of water by a public utility engaged in furnishing water to or for the public; (e) apply the provisions to an approval issued by DNR for a high-capacity well on or after September 1, 2000; and (f) modify an approval issued by DNR for a high-capacity well on or after September 1, 2000, in order to incorporate into the approval the conditions required under the substitute amendment.

**Assembly:** Delete the Joint Finance provision. Instead, require that if DNR finds that the proposed withdrawal of water from a high-capacity well is for a purpose other than an agricultural purpose, and if DNR finds that the proposed withdrawal will adversely affect waters of the state, the Department would be allowed to withhold its approval or grant a limited approval under which it imposes conditions that will protect the waters of the state. The provision would apply to high-capacity wells for which the initial construction or expansion begins on or after the effective date of the biennial budget act.

**Conference Committee/Legislature:** Restore the Joint Finance provision.

**Veto by Governor [B-40]:** Delete the following requirements: (a) that DNR withhold, condition or modify its approval in order to minimize adverse effects to the quality or quantity of waters of the state caused by a high-capacity well used to produce bottled drinking water; (b) that DNR prepare an environmental impact statement for each decision by the Department to approve the use of a well to produce bottled drinking water; (c) that the provisions apply retroactively to an approval issued by DNR for a high-capacity well on or after September 1, 2000; and (d) that DNR modify an approval issued for a high-capacity well on or after September 1, 2000, in order to incorporate into the approval the required conditions.

Under the act DNR is required to condition each high-capacity well permit, except those issued to a public utility furnishing water to the public, with a prohibition on producing bottled water unless DNR approves use of the well for that purpose.

[Act 16 Sections: 3160t and 3160v]

[Act 16 Vetoes Sections: 3160v and 9137(1x)]

## **42. LEGISLATIVE COUNCIL STUDY OF GROUNDWATER**

**Joint Finance:** Request the Joint Legislative Council to study the issue of the need to amend the statutes to address the impacts of groundwater usage. In addition to legislative representation, direct that the Study Committee include members that have an interest in agriculture, surface water usage, business and relevant science including experts from the United States Geological Survey, the Wisconsin Geological and Natural History Survey and the Groundwater Center at the University of Wisconsin - Stevens Point.

**Assembly/Legislature:** In addition to the Joint Finance provision, direct the Joint Legislative Council to study the issues raised by high-capacity wells in Wisconsin.

**Veto by Governor [B-41]:** Delete provisions.

[Act 16 Vetoes Section: 9132(1q)&(2x)]

#### 43. WISCONSIN FUND FINANCIAL ASSISTANCE [LFB Paper 432]

	Governor (Chg. to Base)	Legislature (Chg. to Gov)	Net Change
GPR	\$0	\$21,400	\$21,400
BR	-\$8,956,400	\$0	-\$8,956,400

**Governor:** Eliminate \$8,956,400 in residual general obligation bonding authority for the Wisconsin fund. The program operated from 1977 to 1990 to provide grants for the construction of municipal wastewater treatment projects. The Wisconsin fund is the wastewater financial assistance predecessor to the clean water fund. Although the program ended in 1990, the 1997-99 biennial budget act designated up to \$1,300,000 in residual bonding authority for a project in the Lake Tomahawk Sanitary District (\$1,000,000 of which was repaid through a US EPA grant) and the 1999-01 biennial budget act designated \$770,000 for a project in the Village of Hatley in Marathon County and \$1,100,000 for a project in the Village of Marathon.

**Assembly/Legislature:** In addition, direct DNR to provide \$720,000 in financial assistance from the Wisconsin fund with the following requirements: (a) provide a \$320,000 loan at a 0% interest rate to the Village of Athens in Marathon County for a water tower and related costs, if the village applies for a loan; (b) provide a \$400,000 loan at a 0% interest rate to the Village of Weston in Marathon County for a water tower and related costs, if the Village applies for a loan; and (c) for both loans, the requirements of the Wisconsin fund would not apply. The provision would utilize the remaining \$720,000 in Wisconsin fund general obligation bonding authority. Debt service costs on the bonds issued to fund the no-interest loans would be approximately \$21,400 GPR annually beginning in 2002-03.

[Act 16 Sections: 969, 3161u and 3161uc]

#### 44. TRIBAL GAMING REVENUE FOR TOWN OF SWISS

PR	\$1,000,000
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**Joint Finance:** Provide \$500,000 PR in each of 2001-02 and 2002-03 from tribal gaming revenue as a one-time grant to the Town of Swiss in Burnett County and the St. Croix Band of Chippewa for design, engineering and construction of wastewater and drinking water treatment facilities at Danbury. Any unencumbered balance on June 30 of each year would revert to the DOA tribal gaming receipts appropriation.

**Senate/Legislature:** Specify that the \$500,000 PR would be provided annually for four years through fiscal year 2004-05 instead of in the 2001-03 biennium only.

[Act 16 Sections: 613p, 890r and 3207p]

#### 45. PROHIBIT OIL AND GAS DRILLING BENEATH THE GREAT LAKES

**Senate/Legislature:** Prohibit any person from drilling beneath the beds of the Great Lakes or bays or harbors that are adjacent to the Great Lakes to explore for or produce oil or gas, without regard to where the drilling originates, notwithstanding the requirement that the person enter into a contract with DNR for the removal of oil or gas from beneath navigable waters. Previously, no person could drill to explore for or produce oil or gas from beneath the beds of the Great Lakes or bays or harbors that are adjacent to the Great Lakes unless that drilling originated from the shore and the person had a license from DNR for the activity and a written contract with DNR that authorizes the person to remove oil or gas from beneath navigable water.

[Act 16 Section: 3325k]

#### 46. PROHIBIT DISCHARGES OF UNTREATED WASTEWATER

**Assembly:** Prohibit an owner or operator of a publicly owned wastewater treatment plant from intentionally discharging untreated wastewater unless all of the following apply: (a) the discharge does not cause any effluent limitation to be exceeded; (b) the discharge is necessary to prevent personal injury, loss of life, or severe property damage; (c) there is no feasible alternative to the discharge; and (d) the owner or operator provides any required notification of the discharge. In addition, prohibit DNR from including a provision in the permit for a publicly owned wastewater treatment plant that authorizes the discharge of untreated wastewater resulting from a temporary power interruption. Currently, no person may discharge wastewater to waters of the state except under a Wisconsin pollutant discharge elimination system (WPDES) permit issued by DNR. The permit limits the amount and frequency of the discharge of pollutants and prohibits the discharge of pollutants more frequently or at a level in excess of that authorized by the permit.

**Conference Committee/Legislature:** Delete provision.

#### 47. ELCHO SANITARY DISTRICT WASTEWATER TREATMENT GRANT

	Legislature (Chg. to Base)	Veto (Chg. to Leg)	Net Change
GPR	\$50,000	- \$50,000	\$0

**Senate/Legislature:** Provide \$25,000 GPR annually to the Elcho Sanitary District in Langlade County if the Elcho Sanitary District charges not more than \$30 per 1,000 gallons to accept septic waste for treatment by the wastewater treatment plant and charges not more than \$6 per 1,000 gallons to accept holding tank waste for treatment by the plant.

**Veto by Governor [B-43]:** Delete provision.

[Act 16 Vetoed Sections: 395 (as it relates to s. 20.370(6)(dc)), 615t and 3207v]

#### **48. ENVIRONMENTAL IMPACT OF PROPOSED PUBLIC UTILITY FACILITIES ON RESIDENTIAL WELLS**

**Assembly:** Require that when a person applies for a certificate of public convenience and necessity from the Public Service Commission for the construction of a public utility facility and submits an engineering plan to DNR as currently required, the plan must describe the anticipated effects of the facility on residential wells. This would be in addition to the current requirement that the engineering plan for the facility show the location of the facility, a description of the facility, including the major components of the facility that have a significant air, water or solid waste pollution potential, and a description of the anticipated effects of the facility on air and water quality. DNR would be required to determine whether the facility will reduce the availability of water to a residential well or cause a preventive action limit established under s. 160.15 to be exceeded in water produced by a residential well. A preventive action limit is a numerical value for the concentration of a substance in groundwater for which an enforcement standard is established. It is a contamination limit that is more stringent than the groundwater enforcement standard and is intended as a warning level to allow action to be taken prior to violation of the enforcement standard. The PSC would not be allowed to issue a certificate of public convenience and necessity to the proposed facility unless DNR has determined that the facility will not reduce the availability of water to a residential well and will not cause a preventive action limit to be exceeded in water produced by a residential well.

If a person applied for the certificate of public convenience and necessity from the PSC before the effective date of the biennial budget act, the applicant would be required to, no later than 30 days after the effective date of the biennial budget act, provide DNR with a supplemental engineering plan that includes a description of the anticipated effects of the facility on residential wells. No later than 60 days after DNR receives a supplemental plan from an applicant, DNR would be required to determine whether the facility will reduce the availability of water to a residential well and will not cause a preventive action limit to be exceeded in water produced by a residential well.

**Conference Committee/Legislature:** Delete provision.

#### **49. RESIDENTIAL WELL AIR FILTRATION REQUIREMENT**

**Senate:** Require that the owner of a residential well, other than a driven well, that has a casing filter air that enters the well to prevent airborne bacteria from contaminating the well water if the construction of the well begins on or after January 1, 2002, or if the water from the well tests positive for bacteria on or after January 1, 2002.

**Conference Committee/Legislature:** Adopt the Senate provision, as modified to provide a January 1, 2003, effective date instead of January 1, 2002.

**Veto by Governor [B-42]:** Delete provision.

[Act 16 Vetoed Sections: 3160q and 9437(6p)]

## **Air, Waste and Contaminated Land**

### **1. STATEWIDE RECYCLING FUND EXPENDITURES [LFB Paper 697]**

**Governor:** In general, the bill would reduce program expenditures to reflect current law recycling fund revenues. Appropriations from the recycling fund would be provided to DNR, Commerce, Corrections and Revenue with total funding of \$16.0 million in 2001-02 and \$17.5 million in 2002-03, with 14.5 positions.

**Joint Finance:** Maintain base funding for DNR, adopt the Governor's recommendations for Corrections and the UW System and delete \$64,300 SEG and 1.0 SEG position annually for the Commerce Recycling Market Development Board. Appropriations from the recycling fund would be provided to DNR, Commerce, Corrections and Revenue with total funding of \$27.4 million in 2001-02 and \$27.4 million in 2002-03 with 24.5 positions. The recycling fund would have a potential \$19.8 million deficit on June 30, 2003. The department of Administration and state agencies would have to manage expenditures so that they would be \$19.8 million less than authorized during the 2001-03 biennium.

**Senate:** Appropriations from the recycling fund would be provided to DNR, Commerce, Corrections, Revenue and the UW System with total funding of \$32.4 million in 2001-02 and \$67.4 million in 2002-03 with 29.5 positions.

**Assembly:** Appropriations from the recycling fund would be provided to DNR, Commerce, Corrections, Revenue and the UW-System with total funding of \$27.3 million in 2001-02 and \$27.3 million in 2002-03 with 22.9 positions. The recycling fund would have a potential \$19.7 million deficit on June 30, 2003. The Department of Administration and state agencies would have to manage expenditures so that they would be \$19.7 million less than authorized during the 2001-03 biennium.

**Conference Committee/Legislature:** Appropriations from the recycling fund would be provided to DNR, Commerce, Corrections, Revenue and the UW System with total funding of \$22.8 million in 2001-02 and \$34.6 million in 2002-03 with 28.0 positions. Recycling fund appropriations for all state agencies are shown in the following table.

### Recycling Fund Appropriations, All Agencies

	<u>2000-01</u>	<u>Adjusted Base</u>	<u>2001-02 Legislature</u>	<u>2002-03 Legislature</u>		
	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>
Commerce	\$141,800	2.0	\$65,800	1.0	\$65,800	1.0
Corrections	500,000	4.0	335,500	3.0	335,400	3.0
Natural Resources						
Municipal & County Recycling Grants	24,500,000	0.0	19,500,000	0.0	29,500,000	0.0
Recycling Efficiency Incentive Grants	0	0.0	0	0.0	1,900,000	0.0
Demonstration Grants	500,000	0.0	300,000	0.0	500,000	0.0
Administration	1,926,600	19.0	1,833,600	18.5	1,616,100	18.5
Revenue	245,900	1.5	231,800	1.0	231,800	1.0
University of Wisconsin System	<u>527,400</u>	<u>4.5</u>	<u>491,800</u>	<u>4.5</u>	<u>491,800</u>	<u>4.5</u>
Total	\$28,341,700	31.0	\$22,758,500	28.0	\$34,640,900	28.0

**Veto by Governor [B-36]:** Appropriations from the recycling fund would be provided to DNR, Commerce, Corrections and Revenue with total funding of \$22.3 million in 2001-02 and \$34.2 million in 2002-03 with 22.5 positions (4.5 UW and 1.0 DNR positions are vetoed). Recycling fund appropriations for all agencies are shown in the following table:

### Recycling Fund Appropriations, All Agencies

	<u>2000-01</u>	<u>Adjusted Base</u>	<u>2001-02 Act 16</u>	<u>2002-03 Act 16</u>		
	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>	<u>Funding</u>	<u>Positions</u>
Commerce	\$141,800	2.0	\$65,800	1.0	\$65,800	1.0
Corrections	500,000	4.0	335,500	3.0	335,400	3.0
Natural Resources						
Municipal & County Recycling Grants	24,500,000	0.0	19,500,000	0.0	29,500,000	0.0
Recycling Efficiency Incentive Grants	0	0.0	0	0.0	1,900,000	0.0
Demonstration Grants	500,000	0.0	300,000	0.0	500,000	0.0
Administration	1,926,600	19.0	1,833,600	17.5	1,616,100	17.5
Revenue	245,900	1.5	231,800	1.0	231,800	1.0
University of Wisconsin System	<u>527,400</u>	<u>4.5</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>
Total	\$28,341,700	31.0	\$22,266,700	22.5	\$34,149,100	22.5

## 2. REVENUE FROM A RECYCLING TIPPING FEE

SEG-REV \$23,375,000
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**Senate:** Increase the existing state recycling tipping fee assessed on waste that is not high-volume industrial waste from \$0.30 per ton by \$9.70 to \$10 per ton, effective with waste landfilled on or after January 1, 2002. Effective January 1, 2003, direct DNR to annually adjust the recycling tipping fee to reflect adjustments to the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. Department of Labor. Increase the state environmental fund tipping fee on solid waste other than high-volume industrial waste by \$0.10 per ton, effective with waste landfilled on or after January 1, 2002, to compensate for an expected reduction in landfill disposal as a result of the recycling fee increase. Estimate revenue at approximately \$12,912,500 in 2001-02 and \$51,650,000 in 2002-03 to be deposited in the recycling fund.

Create a state recycling tipping fee of \$0.25 per ton of high-volume industrial waste, effective with high-volume waste landfilled on or after January 1, 2002. Estimate revenue at approximately \$106,300 in 2001-02 and \$425,000 in 2002-03 to be deposited in the recycling fund.

**Conference Committee/Legislature:** Increase the existing state recycling tipping fee assessed on waste that is not high-volume industrial waste from 30¢ per ton by \$2.70 to \$3 per ton, effective with waste landfilled on or after January 1, 2002. Estimated revenue of approximately \$4,675,000 in 2001-02 and \$18,700,000 in 2002-03 would be deposited in the recycling fund.

[Act 16 Sections: 3228db, 9337(1m) and 9437(5k)]

### 3. RECYCLING -- ADMINISTRATIVE FUNDING [LFB Paper 697]

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance (Chg. to Gov)</b>		<b>Legislature (Chg. to JFC)</b>		<b>Veto (Chg. to Leg)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
SEG	-\$1,858,700	- 11.00	\$1,858,700	11.00	\$112,800	0.50	\$0	- 1.00	\$112,800	- 0.50

**Governor:** Reduce funding for DNR recycling administration by \$931,300 and 11.0 positions in 2001-02 and \$927,400 and 11.0 positions in 2002-03 to decrease the number of DNR positions funded from the recycling fund from 19 in 2000-01 to seven in each of 2001-02 and 2002-03. (One recycling program and planning analyst project position expires on October 14, 2001 and is deleted under standard budget adjustments, in addition to the positions described in this entry.) The reductions would be allocated as follows:

a. Delete \$480,300 in 2001-02 and \$476,400 in 2002-03 and 7.0 positions annually in the waste management program. These positions include Air and Waste Division staff in the central office who perform policy development, administrative, planning, evaluation, markets directory and data management functions and regional staff in five regional offices who provide technical assistance and outreach to local governments and also process applications for the municipal and county recycling grant program. Under the bill, \$414,500 in 2001-02 and \$400,900 in 2002-03 with 5.0 positions would remain to perform these functions.

b. Delete \$87,300 and 1.0 position annually in the Administration and Technology Division related to accounting, audit of recycling grants, purchasing and other financial management recycling-related responsibilities (0.5 auditor and 0.5 accountant). Under the bill, no staff funded from the recycling fund would be provided to perform these functions. However, the bill would maintain the requirement that DNR annually audit at least 5% of the recipients of municipal and county recycling grants. The Division would retain funding of \$117,800 annually for departmental rent and facilities costs and \$24,800 annually for operations in DNR service centers and administrative facilities throughout the state, including utilities, janitorial services, building and ground maintenance, telephone costs and other operations costs.

c. Delete \$96,600 and 1.0 position annually in the cooperative environmental assistance program in the Customer Assistance and External Relations (CAER) Division associated with business sector assistance from the recycling fund. The bill would continue to fund eight business sector specialists from other funding sources. Business sector specialists help businesses obtain information, approvals and technical assistance from the Department.

d. Delete \$190,100 and 1.0 position annually in the communication and education program in the CAER Division to delete the use of the recycling fund for recycling informational and education functions. The bill maintains the current requirement that DNR collect, prepare and disseminate information and conduct educational and training programs designed to assist in the implementation of recycling programs and that are targeted to a statewide audience.

e. Delete \$77,000 and 1.0 position annually in the community financial assistance program in the CAER Division for administration of the municipal and county recycling grant program and waste reduction and recycling demonstration grant program. Under the bill, \$77,100 with 1.0 position would remain to administer recycling grant programs.

f. Maintain base funding of \$111,700 and 1.0 position annually for recycling enforcement that is provided by allocating a portion of the time of environmental wardens throughout the state.

**Joint Finance:** Delete provision.

**Senate:** Delete \$43,600 SEG annually and 0.5 SEG auditor position in the Division of Administration and Technology. Provide 1.0 SEG waste management specialist position in the Air and Waste Division (no funding would be provided for the position). This would provide total funding for DNR administration of \$1,633,600 SEG in 2001-02 and \$1,662,700 SEG in 2002-03 for 18.5 positions.

**Assembly:** Delete \$247,000 SEG in 2001-02 and \$245,000 SEG in 2002-03 and 3.6 SEG positions annually in the waste management program of the Air and Waste Division. This would provide total funding for DNR administration of \$1,430,200 SEG in 2001-02 and \$1,414,700 SEG in 2002-03 for 14.4 positions.

**Conference Committee/Legislature:** Delete \$43,600 SEG annually and 0.5 SEG auditor position in the Division of Administration and Technology. Provide 1.0 SEG waste management specialist position in the Air and Waste Division (no funding would be provided for the position). Provide \$200,000 SEG in 2001-02 in the Air and Waste Division for development of administrative rules for recycling efficiency incentive grants, the pilot program for effective program compliance with the requirement of materials to be recycled, and disposal ban enforcement. This would provide total funding for DNR administration of \$1,833,600 SEG in 2001-02 and \$1,616,100 SEG in 2002-03 for 18.5 positions.

**Veto by Governor [B-36]:** Delete 1.0 SEG waste management specialist position in the Air and Waste Division. (The enrolled bill did not provide funding for this position.)

[Act 16 Vetoed Section: 9137(1km)]

**4. RECYCLING -- MUNICIPAL AND COUNTY RECYCLING GRANTS [LFB Paper 697]**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance/Leg. (Chg. to Gov)</b>	<b>Net Change</b>
SEG	-\$21,500,000	\$21,500,000	\$0

**Governor:** Reduce base funding for municipal and county recycling grants by \$10,500,000 in 2001-02 and \$11,000,000 in 2002-03 from the recycling fund to provide local grant funding of \$14,000,000 in 2001-02 (calendar year 2002) and \$13,500,000 in 2002-03 (calendar year 2003).

Require that responsible units of local government seeking financial assistance under the municipal and county recycling grant program submit an application on forms provided by DNR and delete the requirement that an application provide the following information: (a) documentation that the financial assistance will result in the responsible unit maintaining an effective recycling program that meets statutory criteria (the bill would maintain the requirement that the responsible unit operate an effective recycling program); (b) a financial report on the activities that have been or are likely to be funded by the grant in the preceding grant period, including a statement of whether any portion of that preceding grant was or is likely to be spent on activities not related to the requirements of the municipal and county recycling grant program; (c) information on financial incentives that the responsible unit is using or plans to use to encourage reduction of the amount of solid waste generated or disposed of in the region; and (d) information concerning user fees used or proposed to be used to finance costs of the recycling program and, if no user fees are used, an explanation of why they are not used.

**Joint Finance:** Delete provision (grants would be appropriated at \$24,500,000 annually).

**Senate:** Provide funding for local grants of \$28,900,000 SEG in 2001-02 and \$56,000,000 SEG in 2002-03. This would increase base funding from \$24,500,000 by \$4,400,000 in 2001-02 and \$31,500,000 in 2002-03.

In addition, change the local grant formula beginning with grant calendar year 2002 and in subsequent years according to the following:

a. Direct DNR to distribute the grants on a per capita basis to all responsible units of local government that operate effective recycling programs. Provide that the grant amount would be \$11.80 per capita.

b. Limit the grants in 2002 and subsequent years to the eligible costs incurred by the responsible unit two years earlier and reported to DNR in the previous year. (For example, a grant made for calendar year 2002 could not exceed eligible costs incurred in calendar year 2000 and reported to DNR in 2001.) Define eligible costs the same as under current law (expenses, including capital expenses, for planning, constructing or operating an effective recycling program and complying with the 1993 and 1995 landfill bans.)

c. Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation, DNR would prorate the grants.

d. Specify that for grant year 2002 only, a responsible unit that received a grant in 2001 would be eligible for an award equal to a minimum of 80% of the 2001 award. This provision would not apply to responsible units that did not receive an award in 2001. Specify that the proration factor would not apply to these responsible units.

e. Specify that for grant year 2002, DNR shall calculate the total eligible grant awards as \$42,450,000. For grant year 2002 only, DNR shall disburse the awards in two installments, instead of the current single payment by June 1. Direct DNR to disburse \$28,900,000 of the awards by June 1, 2002, from the 2001-02 appropriation and the remaining \$13,550,000 by December 1, 2002, from the 2002-03 appropriation. For grant year 2003 only, DNR shall disburse the remaining \$42,450,000 from the 2002-03 appropriation by June 1, 2003 (the same disbursal date as currently). For grant year 2004 and subsequent years, DNR shall disburse the entire municipal and county grant appropriation of \$56,000,000 by June 1 of the year for which the grants are made.

f. Provide that in 2002 and subsequent years, any county that is the responsible unit for at least 75% of the county's population would receive a grant equal to the greater of \$100,000 or the per capita grant amount, but no more than eligible costs. Specify that the proration factor would not apply to these responsible units.

g. Beginning with grant year 2005 (2004-05), reduce the per capita grant award by \$3 times the population of the responsible unit, if the responsible unit is not eligible for an efficiency incentive grant.

**Assembly:** Change the formula for distribution of municipal and local grants effective with the 2002 grant year. Direct DNR to promulgate administrative rules that specify a method for determining the amount of a grant for years after 2001 based on the population of responsible units of local government with effective recycling program. Direct DNR to specify different per capita grant amounts for responsible units that the Department requires to provide collection of recyclable materials from residential properties and for other responsible units. DNR could not restrict the amount of a grant to the costs of operating an effective recycling program. Delete the current late application penalty provisions. Currently, for grant years 2000 and after, responsible units of local government are eligible for a municipal and county recycling grant equal to the same percentage of total grant funds that each responsible unit

received in 1999. Each responsible unit's grant is capped at the current year's net eligible recycling costs. Net eligible costs include expenses, including capital expenses, anticipated to be incurred for planning, constructing or operating an effective recycling program, which includes complying with the 1995 landfill and incineration bans, and for complying with the 1993 prohibition of disposing of yard waste in a landfill or incinerator. Current law late application penalty provisions require that the responsible unit receives 95% of the grant amount if it submits its grant application after the October 1 deadline and no later than October 10, 90% of the grant amount if it submits its application after October 10, but no later than October 20, 75% of the grant amount if it submits its grant application after October 20, but no later than October 30, and no grant if it submits its application after October 30.

**Conference Committee/Legislature:** Provide funding for local grants of \$19,500,000 SEG in 2001-02 and \$29,500,000 SEG in 2002-03. Change the local grant formula beginning with grant calendar year 2002 and in subsequent years according to the following:

a. Direct DNR to distribute the grants on a per capita basis to all responsible units of local government that operate effective recycling programs. Provide that the grant amount would be \$5.30 per capita.

b. Limit the grants in 2002 and subsequent years to the eligible costs incurred by the responsible unit two years earlier and reported to DNR in the previous year. (For example, a grant made for calendar year 2002 could not exceed eligible costs incurred in calendar year 2000 and reported to DNR in 2001.) Define eligible costs the same as under current law (expenses, including capital expenses, for planning, constructing or operating an effective recycling program and complying with the 1993 and 1995 landfill bans).

c. Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation, DNR would prorate the grants.

d. Specify that for grant year 2002 only, a responsible unit that received a grant in 2001 would be eligible for an award equal to a minimum of 80% of the 2001 award. This provision would not apply to responsible units that did not receive an award in 2001. Specify that the proration factor would not apply to these responsible units.

e. Specify that for grant year 2002, DNR shall calculate the total eligible grant awards as \$24,500,000. For grant year 2002 only, DNR shall disburse the awards in two installments, instead of the current single payment by June 1. Direct DNR to disburse \$19,500,000 of the awards by June 1, 2002, from the 2001-02 appropriation and the remaining \$5,000,000 by December 1, 2002, from the 2002-03 appropriation. For grant year 2003 only, DNR shall disburse the remaining \$24,500,000 from the 2002-03 appropriation by June 1, 2003 (the same disbursement date as currently). For grant year 2004 and subsequent years, DNR shall disburse the entire municipal and county grant appropriation by June 1 of the year for which the grants are made.

f. Provide that in 2002 and subsequent years, any county that is the responsible unit for at least 75% of the county's population would receive a grant equal to the greater of \$100,000 or the per capita grant amount, but no more than eligible costs. Specify that the proration factor would not apply to these responsible units.

g. Beginning with grant year 2005 (fiscal year 2004-05), reduce the per capita grant award by \$1.50 times the population of the responsible unit, if the responsible unit is not eligible for an efficiency incentive grant.

**Veto by Governor [B-36]:** Delete the following requirements: (a) the distribution of grants on a per capita basis in the amount of \$5.30 per capita; (b) the limit on grants to the eligible costs incurred by the responsible unit two years earlier and reported to DNR in the previous year; (c) that for grant year 2002 only, a responsible unit that received a grant in 2001 would be eligible for an award equal to a minimum of 80% of the 2001 award; (d) proration of grants if the appropriated funds are insufficient to fully fund the grants under the per capita allocation; (e) the minimum grant amount for a county that is the responsible unit for at least 75% of the county's population; and (f) that beginning with grant year 2005, the per capita grant award would be reduced by \$1.50 per capita if the responsible unit is not eligible for an efficiency incentive grant. Under the act, grant awards would be distributed according to the current law formula, under which a responsible unit receives a grant equal to the same percentage of the total grant funding as the responsible unit received or would have received in 1999 (but not to exceed eligible costs). DNR would distribute grant awards totaling \$24,500,000 for calendar year 2002 (\$19,500,000 by June 1, 2002, from the 2001-02 appropriation, and \$5,000,000 by December 1, 2002, from the 2002-03 appropriation) and totaling \$24,500,000 for calendar year 2003 by June 1, 2003, from the 2002-03 appropriation.

[Act 16 Sections: 614, 3225 and 3226 thru 3226d]

[Act 16 Vetoes Sections: 3225c and 3225f]

## 5. RECYCLING -- REGIONAL RECYCLING GRANTS [LFB Paper 697]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$2,000,000	- \$2,000,000	\$0

**Governor:** Provide \$2,000,000 annually beginning in 2002-03 from the recycling fund for a new regional recycling grant program. DNR would provide grants to groups of local governments, on a competitive basis, to assist the groups to establish regional recycling programs. The program would include the following requirements: (a) DNR would be required to select grant recipients based on the potential for reducing the costs of operating local recycling programs; (b) the grant amount could not exceed twice the amount contributed by the grant recipient, meaning that for every \$2 grant, the recipient would be required to contribute at

least \$1; (c) no group of local governments could receive more than one grant under the program; (d) a grant could be used for (1) planning, (2) acquiring a regional recycling processing facility and equipment for such a facility, and (3) developing a regional collection system; (e) DNR would be required to promulgate administrative rules for administration of the grant program; and (f) authorize DNR to promulgate administrative rules, without the finding of an emergency, for administration of the program.

**Joint Finance/Legislature:** Delete provision.

**6. RECYCLING -- EFFICIENCY INCENTIVE GRANTS**

SEG	\$1,900,000
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**Senate:** *Recycling Efficiency Incentive Planning Grants.* Provide DNR with \$3,000,000 GPR on a one-time basis in 2001-02 to establish and administer a grant program to provide DNR with information to use in implementing the recycling efficiency incentive grant program and to assist municipalities that are responsible units in preparing for use of recycling efficiency incentive grants. Include the following requirements:

- a. Specify that eligible applicants would be cities, villages and towns that are responsible units.
- b. Direct DNR to award up to \$2,000,000 to municipalities with a population of 50,000 or more and up to \$1,000,000 to municipalities with a population of less than 50,000.
- c. Require a grant recipient to report information to DNR concerning any policies and activities that, if implemented, would make its recycling program more efficient and more effective, including activities to provide the coordinated program delivery required under the new recycling efficiency incentive grant program and concerning any barriers to the implementation of these policies and activities.
- d. Authorize DNR to promulgate administrative rules to administer the program and to promulgate the administrative rules without finding of an emergency. In addition, specify that the emergency rule could remain in effect until June 30, 2003.

*DNR Recycling Efficiency Incentive Grants.* Provide DNR with \$7,600,000 SEG beginning in 2002-03 to create a new recycling efficiency incentive grant program for responsible units. Include the following requirements:

- a. Direct DNR to provide a grant amount of \$2 times the population of the responsible unit to responsible units that meet eligibility criteria.
- b. Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation, DNR would be required to prorate the grants.

c. The following responsible units would be eligible to apply for an efficiency incentive grant: (1) a county that is a responsible unit; (2) a responsible unit that is not a county and that has a population of 50,000 or more; and (3) a responsible unit that is formed by the merger of three or more responsible units or that is the responsible unit for three or more municipalities.

d. Specify that in order to receive a recycling efficiency incentive grant, the responsible unit must engage in coordinated program delivery. Direct DNR to promulgate administrative rules that specify the minimum elements of coordinating program delivery, including: (1) the joint provision of, a single program operated by the responsible unit for, or a single contract for, the collection of materials from single-family residences that are separated for recycling under the effective recycling program requirements; (2) the joint provision of, a single program operated by the responsible unit for, or a single contract for, the processing and marketing of recyclable materials collected under effective recycling program requirements; and (3) the joint or coordinated planning of solid waste management services within the responsible unit.

e. Require applicants for recycling efficiency incentive grants to apply by October 1 in the year preceding the year that the grant is sought. Applicants would be subject to the same late application penalties as exist for municipal and county recycling grant applicants. (The responsible unit receives 95% of the grant amount if it submits its grant application after the October 1 deadline and no later than October 10, 90% of the grant amount if it submits its application after October 10, but no later than October 20, 75% of the grant amount if it submits its grant application after October 20, but no later than October 30, and no grant if it submits its application after October 30.)

f. Direct DNR to disburse grant awards to applicants after approval, but no later than June 1 of the year for which the grants are made.

**Conference Committee/Legislature:** Provide DNR with \$1,900,000 SEG in 2002-03 and create a new recycling efficiency incentive grant program for responsible units. Include the following requirements:

a. Direct DNR to provide a grant amount of \$1 times the population of the responsible unit to responsible units that meet eligibility criteria. Direct DNR to disburse grant awards of \$3,800,000 in two installments in calendar year 2003. (Due to a technical error, the bill states 2002 instead of 2003.) The first grant payment would be disbursed by June 1 with the remaining grant amount disbursed by December 1.

b. Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation and semiannual disbursement, DNR would be required to prorate the grants.

c. Direct DNR to submit its request to the Governor for the 2003-05 biennial budget bill as though the Department was appropriated \$7,600,000 SEG annually in base funding for recycling efficiency incentive grants (instead of the \$1,900,000 in the 2002-03 appropriation).

d. The following responsible units would be eligible to apply for an efficiency incentive grant: (1) a county that is a responsible unit; (2) a responsible unit that is not a county and that has a population of 50,000 or more; (3) a responsible unit that is formed by the merger of three or more responsible units; and (4) a responsible unit that is the responsible unit for three or more municipalities.

e. Specify that in order to receive a recycling efficiency incentive grant, the responsible unit must engage in coordinated program delivery. Direct DNR to promulgate administrative rules that specify the minimum elements of coordinated program delivery, including: (1) the joint provision of, a single program operated by the responsible unit for, or a single contract for, the collection from single-family residences of materials that are separated for recycling under the effective recycling program requirements; (2) the joint provision of, a single program operated by the responsible unit for, or a single contract for, the processing and marketing of recyclable materials collected under effective recycling program requirements; and (3) the joint or coordinated planning of solid waste management services within the responsible unit.

f. Require applicants for recycling efficiency incentive grants to apply by October 1 in the year preceding the year that the grant is sought. Applicants would be subject to the same late application penalties as exist for municipal and county recycling grant applicants. (The responsible unit receives 95% of the grant amount if it submits its grant application after the October 1 deadline and no later than October 10, 90% of the grant amount if it submits its application after October 10, but no later than October 20, 75% of the grant amount if it submits its grant application after October 20, but no later than October 30, and no grant if it submits its application after October 30.)

g. Direct that the sum of the recycling efficiency incentive grant and the municipal and county recycling grant received by a responsible unit may not exceed the eligible costs incurred by the responsible unit two years earlier and reported to DNR in the previous year.

**Veto by Governor [B-36]:** Delete the requirements that: (a) provided a grant amount of \$1 per capita to responsible units that meet eligibility criteria; (b) provided 50% of a grant by June 1 and the balance no later than December 1; (c) prorated the grants if appropriated funds are insufficient to fully fund the per capita grants; (d) established eligible responsible units that would be eligible to apply for a grant; (e) specified that in order to receive a recycling efficiency incentive grant, the responsible unit must engage in coordinated program delivery; (f) directed that the DNR administrative rules that would be promulgated for the program specify the minimum elements of coordinated program delivery; (g) required applicants to apply by October 1 in the year preceding the year that the grant is sought, and be subject to the same late application penalties as exist for municipal and county recycling grant applicants; and (h)

directed DNR to submit its request to the Governor for the 2003-05 biennial budget bill as though the Department was appropriated \$7,600,000 SEG annually in base funding for the program, instead of \$1,900,000. Under the act, DNR would promulgate administrative rules to make recycling efficiency incentive grants to responsible units and would have an appropriation of \$1,900,00 annually, beginning in 2002-03, for grants under the program.

[Act 16 Sections: 615e, 3222e and 3226k]

[Act 16 Vetoes Sections: 3222e, 3226k and 9137(1k)]

## **7. RECYCLING -- RESPONSIBLE UNIT AUDITS**

**Senate/Legislature:** Delete the requirement that DNR annually conduct a financial audit of at least 5% of the responsible unit grant recipients. In addition, direct DNR to annually review, in cooperation with UW-Extension, the effective recycling programs of at least 5% of the responsible unit grant recipients. Direct that the review include all of the following: (a) ensure compliance with the 1991, 1993 and 1995 bans on disposal of certain materials in landfills or incinerators; (b) ensure compliance with the effective recycling program criteria in statutes and DNR administrative rules; and (c) identify activities, methods or procedures for the responsible unit to become efficient or effective. Direct that by June 30 annually, DNR report to the Joint Committee on Finance the number of recycling programs reviewed during the previous year.

**Veto by Governor [B-36]:** Delete: (a) the requirement that UW-Extension participate in the review; (b) replacing the current requirements with a list of items that would be reviewed; and (c) the requirement that DNR annually report to the Joint Committee on Finance.

[Act 16 Sections: 3222p and 3222r]

[Act 16 Vetoes Sections: 3222p, 3222q and 3222r]

## **8. RECYCLING -- EFFECTIVE PROGRAM COMPLIANCE WITH THE REQUIREMENT OF MATERIALS TO BE RECYCLED**

**Assembly:** Direct DNR to promulgate administrative rules that would establish a permanent program that would offer responsible units of local government an alternative method of complying with the effective recycling program requirement that a responsible unit's program require that the occupants of residential, commercial, retail, industrial and governmental facilities within the responsible unit separate the materials subject to the 1995 landfill bans, from postconsumer waste. DNR would be required to promulgate administrative rules for the program that do all of the following: (a) set goals for materials to be recycled as a percentage of solid waste generated in the geographic area served by a responsible unit of local government; (b) establish a list of recyclable materials that could be collected for recycling by responsible units, including materials currently subject to the 1995 landfill bans and other

recyclable materials; (c) specify a procedure for a responsible unit to identify the materials that it will require to be separated for recycling under its recycling program; and (d) specify a procedure to be used by DNR to determine whether a responsible unit has achieved the recycled materials percentage goals. Responsible units that comply with the alternate method of compliance for requiring materials to be recycled would not have to comply with the 1995 landfill and incineration bans that are currently required in order to maintain an effective recycling program.

**Conference Committee/Legislature:** Direct DNR to promulgate administrative rules that would establish a pilot program that would offer responsible units of local government an alternative method of complying with the effective recycling program requirement that a responsible unit's program require that the occupants of residential, commercial, retail, industrial and governmental facilities within the responsible unit separate the materials subject to the 1995 landfill bans, from postconsumer waste. The program would include the following requirements:

a. DNR would be required to promulgate administrative rules for the program, and would be authorized to promulgate administrative rules without the finding of emergency, for administration of the program.

b. The administrative rules established by DNR would be required to do all of the following: (1) set goals for materials to be recycled as a percentage of solid waste generated in the geographic area served by a responsible unit of local government; (2) establish a list of recyclable materials that could be collected for recycling by responsible units, including materials currently subject to the 1995 landfill bans and other recyclable materials; (3) specify a procedure for a responsible unit to identify the materials that it will require to be separated for recycling under its recycling program; and (4) specify a procedure to be used by DNR to determine whether a responsible unit has achieved the recycled materials percentage goals.

c. DNR would be required to select nine responsible units for participation in the pilot program. DNR would be required to select: (1) three responsible units with a population of less than 5,000; (2) three responsible units with a population of at least 5,000 and less than 25,000; and (3) three responsible units with a population of at least 25,000.

d. Responsible units that comply with the alternate method of compliance for requiring materials to be recycled would not have to comply with the 1995 landfill and incineration bans that are currently required in order to maintain an effective recycling program.

e. DNR would be required to prepare and submit a report to the appropriate standing committees of the Legislature, and the Joint Committee on Finance no later than January 1, 2003 and a report no later than January 1, 2005. Each report would be required to include all of the following: (1) a description of the participation in the pilot program and the results to date; (2) any changes in the recycling rate obtained by the participants; (3) any cost or program

efficiencies obtained by the participants; (4) any recommendations for statutory changes to modify the pilot program or expand it on a statewide basis; and (5) any recommendations about whether the 1995 landfilling and incineration bans should be modified, and if so, in what manner.

- f. Specify that the pilot program would end on December 31, 2005.

**Veto by Governor [B-36]:** Delete the requirement that DNR prepare and submit the January 1, 2003, and January 1, 2005, reports to the Legislature and the Joint Committee on Finance.

[Act 16 Sections: 3222m and 9137(1kL)]

[Act 16 Vetoed Section: 3222m]

## **9. RECYCLING -- ENFORCEMENT REQUIREMENTS**

**Senate:** Prohibit any solid waste facility from accepting municipal solid waste from a building containing five or more dwelling units, or a commercial, retail, industrial or governmental facility that does not provide for the collection of recyclable materials that are subject to the 1995 landfill and incineration disposal bans, that are separated from solid waste by users or occupants of the building or facility. Authorize DNR to promulgate an administrative rule that would create an exception to this prohibition where necessary to protect public health. (The prohibition would be in addition to the current requirement that no person may dispose of recyclable materials that are subject to the 1995 landfill and incineration disposal bans, unless the materials are residuals remaining under an effective recycling program after like materials have been separated for recycling.) Require that persons who violate the prohibition pay a forfeiture of \$50 for the first violation, \$200 for the second violation and \$2,000 for the third or subsequent violation. Authorize DNR to issue a citation to collect the forfeiture for the violation of the prohibition. (This would be the same as the penalties for violation of the current prohibition.)

Revise the exception to the 1995 landfill and incineration bans to apply the exception to waste that contains an incidental amount of the banned recyclables, as established by DNR rule, instead of to any waste that is generated in a region that has an effective recycling program under current law. Direct DNR to promulgate administrative rules to implement the provision. Retain the current exemption to the exception for solid waste that is separated for recycling as part of an effective recycling program.

**Conference Committee/Legislature:** Make the following changes related to recycling enforcement:

- a. Prohibit any solid waste facility from accepting solid waste from a building containing five or more dwelling units, or a commercial, retail, industrial or governmental

facility that does not provide for the collection of recyclable materials that are subject to the 1995 landfill and incineration disposal bans and that are separated from solid waste by users or occupants of the building or facility. Authorize DNR to create an exception to this prohibition on a case-by-case basis where necessary to protect public health. In addition, specify that the provision would not apply to a person operating a solid waste disposal facility or a solid waste treatment facility if the person has implemented a program to minimize the acceptance of recyclable materials at the facility. DNR would be directed to promulgate administrative rules to establish minimum standards for a program to minimize the acceptance of recyclable materials at a solid waste disposal facility or a solid waste treatment facility. Require that persons who violate the prohibition pay a forfeiture of \$50 for the first violation, \$200 for the second violation and \$2,000 for the third or subsequent violation. Authorize DNR to issue a citation to collect the forfeiture for the violation of the prohibition. (This would be the same as the penalties for violation of the current prohibition.)

b. Prohibit any solid waste facility that provides a collection and transportation service from transporting solid waste for delivery to a solid waste disposal facility or a solid waste treatment facility that converts solid waste into fuel or that burns solid waste with or without energy recovery if the solid waste contains more than incidental amounts of materials subject to the 1995 landfill bans, as provided by DNR rule. The provision would not apply for activities currently exempt from the landfill and incineration bans. The prohibition would be subject to the same enforcement and penalties as for violations of current prohibitions and the new prohibition described above.

c. Revise the exception to the 1995 landfill and incineration bans to apply the exception to waste that contains no more than an incidental amount of the banned recyclables, as established by DNR rule, instead of to any waste that is generated in a region that has an effective recycling program under current law. Direct DNR to promulgate administrative rules to implement the provision. Retain the current exemption to the exception for solid waste that is separated for recycling as part of an effective recycling program.

**Veto by Governor [B-36]:** Delete provision.

[Act 16 Vetoed Sections: 3222e thru 3222h and 3227e]

#### **10. RECYCLING -- WASTE REDUCTION AND RECYCLING DEMONSTRATION GRANTS**

SEG	- \$200,000
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**Assembly:** Delete \$40,000 SEG annually to decrease funding for the program from \$500,000 to \$460,000 SEG annually. The program provides cost-share grants to municipalities, public entities, businesses and nonprofit organizations for projects that implement innovative waste reduction and recycling activities.

**Conference Committee/Legislature:** Delete \$200,000 SEG in 2001-02 to reduce from \$500,000 to \$300,000 the amount available for waste reduction and recycling demonstration grants. Maintain the current grant level funding of \$500,000 SEG in 2002-03.

# **11. RECYCLING -- WHEELCHAIR RECYCLING PROJECT**

**Assembly:** Create an appropriation in DNR and direct DNR to provide \$40,000 SEG annually on an ongoing basis to the Wheelchair Recycling Project of the Madison Chapter of the National Spinal Cord Injury Association, to provide recycled wheelchairs and other medical equipment to individuals and programs in need and for costs of equipment, parts, maintenance, and distribution.

**Conference Committee/Legislature:** Delete provision.

# **12. RECYCLING -- NEWSPAPER RECYCLED CONTENT**

**Assembly:** Change the specified minimum percentage of fiber from postconsumer waste for newsprint used in newspapers to be 33% in 1998 and thereafter, with no future increases. Currently, the specified minimum percentage is 33% for 1998 to 2000, 37% for 2001 and 2002, and 40% for 2003 and thereafter. The state would forego approximately \$1,000 in newspaper recycled content fees annually. The fees are based on the volume of newsprint used by the publisher unless the newsprint on which the newspaper is printed contains a specified minimum percentage of fiber derived from postconsumer waste.

**Conference Committee/Legislature:** Delete provision.

# **13. AIR MANAGEMENT STAFF [LFB Paper 690]**

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance/Leg. (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
FED	\$1,888,000	5.50	\$0	0.00	\$1,888,000	5.50
PR	<u>-1,888,000</u>	<u>-9.50</u>	<u>-1,419,200</u>	<u>-8.00</u>	<u>-3,307,200</u>	<u>-17.50</u>
Total	\$0	-4.00	-\$1,419,200	-8.00	-\$1,419,200	-12.00

**Governor:** Delete \$944,000 PR annually and 9.5 PR air management positions funded from air emissions tonnage fees, including 4.0 positions in the Air and Waste Division and 5.5 positions in the Division of Administration and Technology. Provide \$944,000 FED annually and 5.5 FED positions to convert funding for the 5.5 PR air management program staff in the Division of Administration and Technology to federal indirect revenues. Federal indirect revenues are the portions of federal grants received by the Department for general administrative or overhead costs. The Administration and Technology positions include 1.5

legal, 1.0 administrative and 3.0 information technology services positions. While the bill would delete four Air and Waste Division positions, it would not delete associated funding of \$251,000 PR annually. The DOA Budget Office indicates that the associated funding will not be expended and in addition, eight Air and Waste Division positions will be held vacant and associated funding of \$458,600 annually will not be expended in order to maintain air emissions funded expenditures within existing fee revenues.

**Joint Finance:** Approve the Governor's recommendation and, in addition: (a) delete \$251,000 PR annually associated with the four Air and Waste Division positions that would be deleted by the Governor; and (b) delete an additional \$458,600 PR annually and 8.0 PR positions in the Air and Waste Division in order to maintain air emissions funded expenditures within existing fee revenues.

**Senate:** Restore \$458,600 PR annually and 8.0 PR positions in the Air and Waste Division.

**Assembly:** Delete \$11,200 PR annually from stationary source air emission tonnage fees and transfer 2.0 PR positions from the Bureau of Cooperative Environmental Assistance (delete \$138,400 PR annually) to the Bureau of Air Management (provide \$127,200 PR annually) to perform air permit issuance activities. This would decrease the number of business sector specialists funded from air emissions fees from three to one. Under the Joint Finance substitute amendment, 1.0 PR position and \$58,000 PR annually are deleted from the Bureau of Air Management and 1.0 PR position and \$69,200 PR annually are provided to the Bureau of Cooperative Assistance.

**Conference Committee/Legislature:** Delete the Senate and Assembly provisions and restore the Joint Finance provision.

#### **14. AIR MANAGEMENT -- AIR EMISSIONS FEES [LFB Paper 690]**

**Governor:** Change the method of calculation of the annual air emissions fee paid to DNR by owners or operators of stationary sources of air pollution who must obtain an air pollution control permit from the Department. Currently, for calendar year emissions billed prior to 2002, stationary sources paid an emissions fee per ton that was adjusted annually according to changes in the consumer price index. Currently, 1999 Act 9 requires that, effective with fees assessed beginning in 2002 (for calendar year 2001 emissions), a performance-based emission fee system is created that includes the requirement that each stationary source pay a fee based on actual emissions of pollutants from the source in the preceding five years, using a five-year rolling average. Under the bill, the fees assessed beginning in 2002 (fiscal year 2001-02) would be based on actual emissions of pollutants in the preceding year, instead of the preceding five years. The DOA Budget Office estimates that the formula change would result in no revenue change from current law.

**Senate:** Restore the annual consumer price index adjustment of the air emissions tonnage fee beginning in 2001-02 (1999 Act 9 deleted the CPI adjustment after 2000-01) to generate

additional revenue of approximately \$339,300 PR in 2001-02 and \$562,300 PR in 2002-03. Under the provision, the emissions tonnage fee would increase from \$35.71 per ton currently to an estimated \$36.86 per ton in 2001-02 and \$37.82 in 2002-03.

**Conference Committee/Legislature:** Adopt the Governor's recommendation and delete Senate provision.

[Act 16 Section: 3222]

## 15. AIR MANAGEMENT -- GENERAL CONSTRUCTION PERMITS

**Assembly/Legislature:** Authorize DNR to promulgate administrative rules that specify the types of stationary sources of air emissions that may obtain general construction permits. A general construction permit may cover several similar stationary sources. It would be used instead of issuing an individual construction permit for each source covered by the general construction permit. Examples of categories for which a general construction permit might be created would include crushers, package boilers, degreasing units, dry cleaners and hot-mix asphalt plants.

[Act 16 Section: 3221]

## 16. LOCATION OF AIR QUALITY TESTING FACILITIES

**Assembly:** Prohibit DNR from operating an air quality testing facility within one mile of Lake Michigan. DNR operates several networks of air quality monitors at numerous sites throughout the state. Air quality data from the monitoring networks is collected, analyzed and used for state and federal air quality reporting, compliance and planning purposes.

**Conference Committee/Legislature:** Delete provision.

## 17. SOLID AND HAZARDOUS WASTE STAFF [LFB Paper 691]

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance/Leg. (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$0	0.00	-\$523,200	- 4.00	-\$523,200	- 4.00
FED	- 878,600	- 6.00	- 111,600	- 1.11	- 990,200	- 7.11
PR	<u>298,500</u>	<u>2.00</u>	<u>523,200</u>	<u>4.00</u>	<u>821,700</u>	<u>6.00</u>
Total	-\$580,100	- 4.00	-\$111,600	- 1.11	-\$691,700	- 5.11

**Governor:** Make the following changes in funding for hazardous waste management staff: (a) delete \$439,300 FED annually and 6.0 FED positions to reflect the anticipated level of federal hazardous waste grant funding; and (b) provide \$138,900 PR in 2001-02 and \$159,600 PR in 2002-03 and 2.0 PR positions annually. Program revenue would be provided from current

landfill plan review fees and licenses (including the current 9¢ per ton landfill license surcharge) and hazardous waste facility licenses, transporter licenses and plan review fees.

**Joint Finance/Legislature:** Approve the Governor's recommendation and, in addition: (a) delete \$55,800 FED and 1.11 FED position annually to reflect the anticipated level of federal hazardous waste grant funding; and (b) convert \$261,600 GPR with 4.0 GPR positions annually to program revenue from the solid and hazardous waste management appropriation.

**18. VEHICLE ENVIRONMENTAL IMPACT FEE [LFB Paper 692]**

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG-REV	\$16,600,000	\$9,000,000	\$25,600,000

**Governor:** Recreate the \$6 per vehicle environmental impact fee beginning on October 1, 2001, and sunset the fee on September 30, 2003. Under current law, this fee is sunset on June 30, 2001. The fee is deposited in the environmental fund. DOA estimates the fee would provide revenue of approximately \$7.0 million in 2001-02 and \$9.6 million in 2002-03. The fee applies to the titling of new and used vehicles and is collected by the Department of Transportation. The fee was created in 1997 Act 27 at a rate of \$5 per vehicle with a June 30, 2001, sunset, and was increased to \$6 per vehicle in 1999 Act 9.

**Joint Finance/Legislature:** Approve the Governor's recommendation, as modified to: (a) reestimate fee revenue to \$6,600,000 in 2001-02 (a decrease of \$400,000) and to \$9,000,000 in 2002-03 (a decrease of \$600,000); (b) recreate the \$6 per vehicle fee on July 1, 2001, instead of October 1, 2001, to provide additional revenue of approximately \$2,200,000 SEG in 2001-02 to the environmental fund; (c) repeal the fee on December 31, 2003, instead of September 30, 2003; and (d) increase the fee by \$3 per vehicle to \$9 effective on the first day of the second month after the publication of the biennial budget act (October 1, 2001) to provide additional revenue of approximately \$3,300,000 SEG in 2001-02 and \$4,500,000 SEG in 2002-03.

[Act 16 Sections: 2539k, 3408g, 3408r, 9410(1gk) and 9452(3gk)]

**19. TRANSFER TRIBAL GAMING REVENUE TO ENVIRONMENTAL FUND [LFB Paper 183]**

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG-REV	\$3,000,000	- \$1,500,000	\$1,500,000

**Governor:** Require the transfer of \$500,000 in 2001-02 and \$2,500,000 in 2002-03 from tribal gaming revenues to the segregated environmental fund in the 2001-03 biennium only.

**Joint Finance/Legislature:** Approve the Governor's recommendation to transfer \$500,000 in 2001-02. Transfer \$1,000,000 instead of \$2,500,000 in 2002-03.

[Act 16 Sections: 892 and 1125]

**20. ENVIRONMENTAL REPAIR BONDING AUTHORITY**

BR	\$3,000,000
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**Governor/Legislature:** Provide \$3,000,000 in general obligation bonding authority to conduct remedial action at contaminated sites. The request would increase DNR's general obligation bonding authority (with GPR debt service payments) for remedial action from \$38 million to \$41 million. Bonding can be used for: (a) state-funded cleanup under the environmental repair statute (s. 292.31) or hazardous substances spills statute (s. 292.11) when construction is involved and no responsible party is known, willing or able to take the necessary action; and (b) the state's cost-share at federal Superfund or Leaking Underground Storage Tank Trust Fund sites.

[Act 16 Section: 966]

**21. ENVIRONMENTAL REPAIR DEBT SERVICE**

GPR	- \$5,100,000
SEG	<u>5,100,000</u>
Total	\$0

**Joint Finance/Legislature:** Specify that the environmental fund would be used to pay debt service for environmental repair general obligation bonds on an ongoing basis. Create a SEG annual debt service appropriation from the environmental fund and provide \$2,400,000 SEG in 2001-02 and \$2,700,000 SEG in 2002-03. Provide a corresponding decrease of \$2,400,000 GPR in 2001-02 and \$2,700,000 GPR in 2002-03 in the environmental repair debt service appropriation. The GPR sum sufficient appropriation would pay all debt service costs in excess of the SEG appropriation.

[Act 16 Sections: 621d, 621f and 962]

**22. BROWNFIELDS -- TRANSFER SITE ASSESSMENT GRANT PROGRAM TO COMMERCE [LFB Paper 693]**

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
SEG	-\$110,100	- 1.00	\$3,510,100	1.00	\$3,400,000	0.00

**Governor:** Delete \$51,600 in 2001-02 and \$58,500 in 2002-03 and 1.0 position annually from the environmental management account of the environmental fund and transfer administration of the brownfields site assessment grant program from DNR to Commerce and include it within the Commerce brownfields grant program. [See "Commerce" for the bill's

provisions related to the Commerce brownfields grant program.] The brownfields site assessment grant program was created in 1999 Act 9 to provide local governments with grants to perform the initial investigation of contaminated properties and certain other eligible activities. DNR was provided with \$1,450,000 SEG from the environmental fund in 1999-00 in a biennial appropriation to administer the program. There is no base funding for the program.

**Joint Finance/Legislature:** Modify the Governor's recommendation as follows: (a) maintain the current law site assessment grant program within DNR; (b) provide \$1,700,000 SEG annually for site assessment grants in the current DNR appropriation from the environmental fund; (c) retain the current DNR position with \$51,600 environmental fund SEG in 2001-02 and \$58,500 SEG in 2002-03; (d) specify that asbestos abatement activities are eligible for a site assessment grant only if the activities are part of demolition of any structures, buildings or other improvements located on an eligible site or facility; and (e) expand the definition of an eligible site or facility under the site assessment grant program to include one or more contiguous parcels of land, whether owned by one owner or multiple owners.

[Act 16 Sections: 458, 3323b, 3323e and 3696]

## 23. BROWNFIELDS -- SUSTAINABLE URBAN DEVELOPMENT ZONE PROGRAM

SEG	\$525,000
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**Governor:** Eliminate the sustainable urban development zone program created in 1999 Act 9 to provide one time-funds of \$2,380,000 in environmental fund SEG in 1999-01 for grants to investigate environmental contamination and cleanup brownfields properties in the cities of Milwaukee, Green Bay, La Crosse, Oshkosh and Beloit.

**Joint Finance:** Recreate a competitive sustainable urban development zone grant program. Provide \$525,000 environmental fund SEG in 2001-02 in a biennial appropriation. Specify that the state funds may be used to investigate environmental contamination and for environmental remediation of brownfields properties in municipalities. Direct DNR to accept applications from municipalities for the funds and to consult with DOA and Commerce in administering the program.

**Assembly/Legislature:** Specify that of the \$525,000 SEG provided under Joint Finance for the recreation of a sustainable urban development zone grant program, DNR would be required to provide \$150,000 to the City of Platteville and \$250,000 to the City of Fond du Lac. The remaining \$125,000 would be awarded to municipalities through the competitive process established under Joint Finance.

[Act 16 Sections: 3324b thru 3324db]

## 24. BROWNFIELDS -- STAFF

	Legislature (Chg. to Base)		Veto (Chg. to Leg)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
SEG	\$549,300	5.00	-\$549,300	- 5.00	\$0	0.00

**Joint Finance/Legislature:** Provide \$242,400 environmental fund SEG in 2001-02 and \$306,900 SEG in 2002-03 with 5.0 SEG two-year project waste management specialist positions to geo-locate brownfield properties and update DNR's web-based registry of closed sites.

**Veto by Governor [B-37]:** Delete provision.

[Act 16 Vetoes Section: 395 (as it relates to s. 20.370(2)(mq))]

## 25. BROWNFIELDS -- GREEN SPACE GRANT PROGRAM

SEG	\$1,000,000
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**Joint Finance/Legislature:** Provide \$1,000,000 environmental fund SEG in 2001-02 in a biennial appropriation and create a brownfields green space grant program. Direct DNR to make awards under the program to local units of governments for brownfields remediations projects that will have a long-term public purpose benefit, including the preservation of green space, the development of recreational areas or the use of a property by the local government.

[Act 16 Sections: 620c and 3324h]

## 26. BROWNFIELDS -- LOCAL GOVERNMENT NEGOTIATION AND COST RECOVERY PROCESS

**Assembly/Legislature:** Modify the process through which local governments that own contaminated property are currently authorized to negotiate with parties responsible for environmental pollution about how the contamination will be remedied and how much the various parties that are responsible for the contamination will contribute toward the investigation and remedial action costs. Expand the applicability of the negotiation and cost recovery process so that a local government may use it for a site or facility that it does not own if the local government commits itself to paying more than 50% of the investigation and remedial action costs less any financial assistance received for the site or facility.

[Act 16 Sections: 3260b thru 3263b]

## 27. BROWNFIELDS -- LOCAL GOVERNMENT LIABILITY EXEMPTION

**Assembly/Legislature:** Modify the local government liability provisions which currently exempt a local government that acquires property in specified ways, such as through tax

delinquency proceedings and condemnation, from environmental liability under the hazardous substances spills law if certain requirements are satisfied. Apply the local government liability exemption to land acquired by local governments with funds from the Warren Knowles-Gaylord Nelson stewardship 2000 program, in addition to acquisition with funds from the original Warren Knowles-Gaylord Nelson stewardship program.

[Act 16 Section: 3229]

**28. BROWNFIELDS -- VOLUNTARY PARTY LIABILITY EXEMPTION FOR FORMER OWNERS**

**Assembly/Legislature:** Modify the voluntary party liability provision that currently allows parties who conduct voluntary cleanups of contaminated property to limit their environmental liability if they meet certain conditions. Change the requirement that the voluntary party must maintain and monitor the property as required by DNR so that it only applies if the voluntary party owns or controls the property. Specify that the voluntary party liability exemption would continue to apply to a voluntary party who no longer owns or controls the property if the person who owns or controls the property fails to maintain and monitor the property as required by DNR. Currently, the liability exemption applies to the voluntary party's successor if the successor maintains the property.

[Act 16 Sections: 3231, 3232 and 3236]

**29. BROWNFIELDS -- LIABILITY EXEMPTION FOR SEDIMENT**

**Assembly/Legislature:** Specify that the current liability exemption for soil contamination that originates off of the property also applies to hazardous substances in sediments. Currently, a person is exempt from environmental liability under the hazardous substances spills law with respect to the existence of a hazardous substance in soil on property possessed or controlled by the person if the discharge originated from a source off of the property and other specified conditions are satisfied.

[Act 16 Section: 3230]

**30. BROWNFIELDS -- VOLUNTARY PARTY LIABILITY EXEMPTION FOR PROPERTIES IMPACTED BY OFF-SITE CONTAMINATION**

**Assembly/Legislature:** Provide that voluntary parties would be eligible to obtain a full certification of cleanup and exemption from future liability if there is soil contamination (in addition to groundwater contamination currently) that migrated to the property from off-site. Voluntary parties are able to limit their liability for certain cleanups at environmentally

contaminated property if they meet certain conditions and if the hazardous substance discharge occurred prior to the date that DNR approved the environmental investigation.

[Act 16 Section: 3234]

**31. WELL COMPENSATION GRANT PROGRAM [LFB Paper 693]**

SEG-REV	\$1,000,000
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**Joint Finance/Legislature:** Lapse \$1,000,000 from the unencumbered balance of the well compensation grant program appropriation to the SEG environmental fund on the effective date of the bill. The program provides grants to homeowners for the replacement of contaminated wells. Maintain the base funding of \$400,000 SEG annually for the program. Expenditures have averaged \$300,000 annually.

[Act 16 Section: 9237(1f)]

**32. DRY CLEANER ENVIRONMENTAL RESPONSE PROGRAM [LFB Paper 694]**

SEG	\$1,977,000
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**Governor:** Make the following changes in the dry cleaner environmental response program:

a. Add to the definition of a "dry cleaning facility" eligible for financial assistance, that it is a facility for cleaning apparel or household fabrics "using a dry cleaning product." Add to the definition of a "dry cleaning facility" for purposes of defining dry cleaning facilities that are subject to the annual dry cleaning facility fee of 1.8% of the previous year's gross receipts from dry cleaning, that it cleans apparel or household fabrics for the general public "using a dry cleaning product." Change the definition of a "dry cleaning solvent" subject to the program fees or eligible for financial assistance for cleanup of a "dry cleaning product" which means a "hazardous substance used to clean apparel or household fabrics, except for a hazardous substance used to launder apparel or household fabrics." Change the term "dry cleaning solvents fee" to "dry cleaning products fee." Maintain the current fee of \$5 per gallon of perchloroethylene sold and apply the 75 cent per gallon fee to any dry cleaning product sold other than perchloroethylene instead of a hydrocarbon based solvent currently. The change in the definition of substances subject to the 75 cent per gallon fee would first apply to fees due on January 25, 2002, for the previous three months. The DOA Budget Office estimates that the bill would result in no revenue change from current law.

b. Require that dry cleaning facilities constructed before October 14, 1997 (the effective date of the program) implement enhanced pollution prevention measures no later than the first day of the 13<sup>th</sup> month after the effective date of the bill to be eligible for financial assistance under the program. Currently, dry cleaning facilities constructed on or after October 14, 1997, are eligible for financial assistance under the program only if they implement enhanced pollution prevention measures, but dry cleaning facilities constructed before October 14, 1997,

are not subject to the same requirement. Under the bill, all dry cleaning facilities would be required to implement the following pollution prevention measures to be eligible for financial assistance (currently required only of dry cleaning facilities constructed on or after October 14, 1997): (1) the owner or operator must manage wastes involving dry cleaning products in compliance with certain state and federal laws; (2) the facility does not discharge dry cleaning products into a sewer, septic system or waters of the state; and (3) any perchloroethylene delivered to the dry cleaning facility is delivered by means of a closed, direct-coupled delivery system. Dry cleaning facilities constructed on or after October 14, 1997, (but not before October 14, 1997) would continue to be required to implement the following pollution prevention measures: (1) all machines and equipment that use dry cleaning product have appropriate containment structures that are able to contain any leak, spill or other release of dry cleaning solvent from the machines or equipment; and (2) floors are sealed or otherwise impervious to dry cleaning product.

c. Delete the separate financial assistance awards for interim remedial equipment, which are currently available to owners or operators for the costs of preliminary site screening and the purchase and installation of equipment to begin the cleanup of discharges of dry cleaning solvent from dry cleaning facilities before the completion of full site investigations and remedial action plans. Interim actions would be permitted and would include a remedial action that is taken to contain or stabilize a discharge of a dry cleaning product, in order to minimize any threats to public health, safety, or welfare or to the environment, while other remedial actions are being planned. An owner or operator would be eligible for financial assistance and would not be required to complete an investigation or prepare a remedial action plan before conducting an interim action activity if DNR determines that an interim action is necessary.

d. Delete the supplemental deductible paid for closed facilities so that the deductible at closed facilities would be the same as for open facilities. Currently, the owner or operator of an open facility pays a deductible of the following: (1) if eligible costs are \$200,000 or less, \$10,000; (2) if eligible costs are \$200,001 to \$400,000, \$10,000 plus 8% of the amount by which eligible costs exceed \$200,000; and (3) if eligible costs exceed \$400,000, \$26,000 plus 10% of the amount by which eligible costs exceed \$400,000 (up to a maximum award of \$500,000). The current supplemental deductible paid by for a closed facility, that would be eliminated, is: (1) an amount equal to 30 times the average license fee paid for the year in which the award is made; (2) an amount equal to 30 times the total solvent fees collected in the year in which the award is made divided by the number of dry cleaning facilities in operation during that year; and (3) an amount equal to the average solvent inventory fee. DNR would be directed to, before July 1, 2002, identify any awards paid to closed facilities based on the current law deductible, recalculate the award based on the deductible included in the bill and pay the recipient the difference between the amount of the original award and the recalculated award.

e. Change the date prior to which facilities that closed before September 1, 1998, must apply to the program from August 30, 2003, to August 30, 2005.

**Joint Finance/Legislature:** Approve the Governor's recommendation and, in addition: (a) increase the dry cleaner environmental response financial assistance appropriation by \$177,000 SEG in 2001-02 to pay for the known costs of reimbursing existing claimants who were subject to the closed facility deductible; (b) provide an additional \$1,800,000 SEG in 2001-02 for dry cleaner environmental response financial assistance to appropriate expected dry cleaner environmental response fund revenues for potential demand for financial assistance under the program during the biennium.

Further, allow eligibility under the dry cleaner environmental response program if the dry cleaning solvent discharge was caused by a person who provided services or products to the owner or operator or to a prior owner or operator of the dry cleaning facility, including a person who provided perchloroethylene to the owner or operator or prior owner or operator of a dry cleaning facility using a system other than a closed, direct-coupled delivery system before October 14, 1997.

[Act 16 Sections: 594, 618, 628, 2251 thru 2254, 3288 thru 3322, 3325, 9137(1), 9344(1) and 9437(1)]

### **33. ENVIRONMENTAL CLEANUP AND RESTORATION SETTLEMENT APPROPRIATION [LFB Paper 695]**

**Governor:** Create a continuing appropriation within the environmental management account of the segregated environmental fund for expenditures of all moneys received under settlement agreements or orders to remedy environmental contamination at specific sites and to restore the environment. Specify that moneys received in settlement of action initiated under the federal CERCLA regulations (Comprehensive Environmental Response, Compensation and Liability Act) would be deposited in the environmental management account. The new appropriation would be used for expenditure of: (a) all moneys received, other than from the federal government, for the remediation of environmental contamination at specific sites, under settlement agreements or orders; and (b) moneys received in settlement of actions under certain federal regulations (CERCLA) for environmental remediation, restoration, and development, including the replacement of fish or wildlife, that has not been conducted when the moneys are received. The moneys received in the appropriation would be used to carry out the purposes for which they were received. Currently, funds received by DNR for environmental cleanups are deposited in the environmental management account and expenditures for state-funded cleanups are made from a continuing, sum certain appropriation. Under the current appropriation, expenditures cannot exceed budgeted amounts without legislative approval. Currently, some moneys received under settlement agreements for specific remediation or environmental restoration activities are not deposited in the State's accounts and, therefore, expenditures are not reported on the state's books (such as a 1997 settlement with Menards, Inc. or a proposed environmental restoration settlement with Fort James Corporation). The new appropriation could be used in situations where, for example, a court order or other settlement

agreement can be reached with an insurance company, responsible party or other parties where the funds are earmarked for specific remedial action projects.

**Joint Finance/Legislature:** Approve the Governor's recommendation and, in addition, specify that: (a) moneys deposited in the environmental fund would include all moneys received under settlement agreements or orders, in settlement of actions or proposed actions for violations of environmental statutes (chapters 280 through 299), that are designated to be used to restore or develop environmental resources, to provide restitution or to make expenditures required under the order or agreement and all moneys received in settlement of actions; and (b) such moneys received and not specifically appropriated elsewhere would be credited to the new appropriation to carry out the purposes for which received.

[Act 16 Sections: 593, 1127 and 1127c]

#### **34. SUPERFUND REAL PROPERTY INTEREST ACQUISITION**

**Governor/Legislature:** Authorize DNR to acquire, accept transfer from the U.S. Environmental Protection Agency and hold interests in real property required as part of a response action taken under the federal Superfund law. Authorize DNR to expend monies from the state-funded response appropriation from the SEG environmental management account of the environmental fund or from environmental repair general obligation bonding authority (with GPR debt service payments) where it is necessary to compensate a property owner for creating an easement, transferring fee title or giving up any other interest in real property that is required for the implementation of the remedy, including interests in real property that are necessary to ensure that restrictions on the use of the land or the groundwater are enforceable. DNR would be authorized to enforce the terms of any interest in property that it acquires under the provision. EPA has promulgated a national contingency plan that provides that a Superfund-financed remedial action cannot proceed unless the state where the site is located provides certain assurances. The assurances include that the state will acquire and hold any property interest that is necessary in order to conduct the fund-financed response action, and that the state will accept transfer of any interest acquired by EPA on or before completion of the response action.

[Act 16 Section: 3259]

#### **35. DUMP CLOSURE GRANT PROGRAM [LFB Paper 696]**

GPR	- \$2,016,300
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**Joint Finance/Legislature:** Specify that dump closure grant recipients who applied for the program in 1992-93 and 1993-94 are eligible for 10 annual payments, and each payment would equal 10% of the total grant to the political subdivision. Repeal the program and appropriation on June 30, 2003. Reduce the GPR appropriation from \$1,247,700 GPR annually by \$864,500 in 2001-02 to provide \$383,200 GPR (payments would total the \$383,200 in expenditure authority

and \$300 appropriation balance) and by \$1,151,800 in 2002-03 to provide \$95,900 GPR. No payments would be after, and the appropriation would be repealed on, June 30, 2003.

[Act 16 Sections: 613e, 3228h, 3228j and 9437(2f)]

### **36. LANDFILL PROOF OF FINANCIAL RESPONSIBILITY**

**Joint Finance/Legislature:** Move to allow owners of solid waste landfills at which the majority of the solid waste disposed of is high-volume industrial waste an alternative option of methods of establishing proof of financial responsibility during the operation of the landfill and for the costs of closing the landfill and for taking long-term care of the landfill after it is closed instead of the methods included in chapter 289.41 (6) (e) and (f). Maintain the requirement that such landfill owners meet the proof of financial responsibility requirements in chapter 289.41 (6) (a) through (d) and (h) through (j). Such landfill owners could choose the option of complying with chapter 289.41 (6) (e) and (f) or of satisfying one of the following three conditions: (a) a current rating for its senior unsubordinated debt of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; (b) a ratio of less than 1.5 comparing total liabilities to net worth; or (c) a ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus \$10 million, to total liabilities.

[Act 16 Sections: 3227q thru 3227s]

### **37. SOLID AND HAZARDOUS WASTE FACILITY SITING NEGOTIATION AND ARBITRATION PROCESS**

**Joint Finance:** Add to the list of items that are subject to arbitration under the solid and hazardous waste facility siting negotiation and arbitration process, compensation to any person for substantial economic impacts that are a direct result of the facility's receipt of waste generated outside of Wisconsin.

**Senate/Legislature:** Delete provision.

### **38. NONMETALLIC MINING RECLAMATION EXEMPTION AND FEES**

**Assembly:** Make the following changes related to nonmetallic mining reclamation provisions and fees:

a. Require that for annual fees due on or before December 31, 2003, if DNR is the regulatory authority because the county did not adopt a nonmetallic mining reclamation ordinance by June 1, 2001, DNR may not charge an annual fee of more than: (1) \$100 for a nonmetallic mining site with one to five acres that have not been reclaimed, if the nonmetallic mining site is approved for a wildlife enhancement project; or (2) \$300 for any other nonmetallic mining site with one to five unreclaimed acres. This would statutorily establish the fee

currently included in NR 135.19 (4)(c), Table 2, as \$300 instead of \$450 if the mine size in unreclaimed acres is one to five acres. The fee would be \$100 instead of the current \$450 if the land is approved for a wildlife enhancement project. There would be an estimated 85 nonmetallic mines with one to five acres in approximately five counties that would be under DNR regulatory authority because they have not adopted a nonmetallic mining reclamation ordinance. The estimated revenue reduction from the \$150 annual fee reduction would be \$12,750 in each of 2001-02 (fees collected for 2001 and 2002) and 2002-03 (fees collected for 2003). The fees are deposited in the environmental management account of the environmental fund. It is unknown how many of the estimated 85 one to five acre mines would be approved for a wildlife enhancement project in the estimated five counties under DNR regulatory authority that would pay an annual fee of \$100 on or before December 31, 2003, instead of the current \$450 or the proposed \$300 for one to five acre mines that are not approved for a wildlife enhancement project.

b. Exempt removal of topsoil, other than soil taken from the bed of a navigable water, from the nonmetallic mining reclamation requirements and nonmetallic mining reclamation fees if the topsoil removed is from an area the size of which does not exceed the size determined by dividing the total acreage of the contiguous land under common ownership on which the area is located by 40 and multiplying the result by three, if no other material is removed from the area. This would equal 3 acres per 40 acre parcel or approximately 7.5% of the area of the contiguous land under common ownership. It is unknown how many nonmetallic mines have activities that only involve removal of topsoil of up to the amount exempted under the provision from nonmetallic mining reclamation requirements and fees.

c. Define "topsoil" as the surface layer of soil that is generally more fertile than the underlying soil layers, that is the natural medium for plant growth and that can provide the plant growth, soil stability and other attributes necessary to meet the standards specified in an approved reclamation plan.

**Conference Committee/Legislature:** Delete provision.

### **39. ENVIRONMENTAL IMPROVEMENT PROGRAM**

**Assembly:** Create an environmental improvement program that includes the following requirements.

***Program Definitions.*** The provision would create the following program definitions:

a. An "environmental management system" would mean an organized set of procedures implemented by the owner or operator of a facility to evaluate the environmental performance of the facility and to achieve measurable or noticeable improvements in that environmental performance through planning and changes in the facility's operations.

b. "Environmental performance" would mean the effects of a facility on air, water, land, natural resources and human health.

c. An "environmental performance evaluation" would mean a systematic, documented and objective review, conducted by or on behalf of the owner or operator of a facility, of the environmental performance of the facility, including an evaluation of compliance with one or more environmental requirements.

d. An "environmental requirement" would mean a requirement in: (1) Chapters 160 (groundwater) or 280 to 299 (relating to drinking water, water, sewage, air, solid and hazardous waste, remedial action, mining and general environmental provisions), a rule promulgated under one of those chapters, or a permit, license, other approval, or order issued by DNR under one of those chapters; or (2) an ordinance or other legally binding requirement of a local governmental unit enacted under authority granted by a state law relating to environmental protection.

e. A "facility" would mean all buildings, equipment, and structures located on a single parcel or on adjacent parcels that are owned or operated by the same person.

f. A "local governmental unit" would mean a city, village, town, county, town sanitary district, or metropolitan sewerage district.

g. A "regulated entity" would mean a public or private entity that is subject to environmental requirements.

**Eligibility.** A regulated entity would qualify for participation in the environmental improvement program for a facility owned or operated by the regulated entity if all of the following happen:

a. The regulated entity conducts an environmental performance evaluation of the facility or submits findings from the facility's environmental management system.

b. If the regulated entity conducts an environmental performance evaluation, the regulated entity notified DNR in writing, no fewer than 30 days before beginning the environmental performance evaluation, of (1) the date on which the evaluation would begin, (2) the site or facility or the operations or practices at a site or facility to be reviewed, and (3) the general scope of the evaluation.

c. If the regulated entity conducts an environmental performance evaluation, the final written report of findings of the evaluation (1) is labeled "environmental performance evaluation," (2) is dated, and (3) includes a plan for corrective action for any violations identified in the evaluation. A regulated entity could use a form developed by the entity, a consultant or DNR for the final written report of findings of the environmental performance evaluation.

d. If the regulated entity submits findings from the facility's environmental management system, the entity's efforts to prevent, detect and correct violations must be appropriate to the size of the regulated entity and to the nature of its business and must be consistent with any criteria used by the U.S. Environmental Protection Agency (EPA) to define due diligence in federal audit policies or regulations.

e. The regulated entity submits a report as required in the following section.

f. At the time of submitting the report described below, the Department of Justice has not, within two years, filed a suit to enforce an environmental requirement, and the DNR has not within two years, issued a citation to enforce an environmental requirement, because of a violation involving the facility.

**Report.** To participate in the environmental improvement program, a regulated entity that owns or operates a facility would be required to submit a report to DNR within 45 days after the date of the final written report of findings of an environmental performance evaluation of the facility or within 45 days after the date of findings from the facility's environmental management system. The regulated entity would be required to include all of the following in the report:

a. If the regulated entity conducted an environmental performance evaluation, a description of the evaluation, the name of the person who conducted the evaluation, when it was completed, what activities and operations were examined and what was revealed by the evaluation. If the regulated entity submits findings from an environmental management system, a description of the system, the activities and operations covered by the system, who made the findings and when the findings were made.

b. A description of any violations that were revealed by the environmental performance evaluation or the environmental management system, and the length of time that the violations may have continued.

c. A description of actions taken or proposed to be taken to correct any violations described in (b) above.

d. A commitment to correct any violations identified in (b) within 90 days of submitting the report or according to a compliance schedule approved by DNR.

e. If the regulated entity proposes to take more than 90 days to correct violations, a proposed compliance schedule that contains (1) the shortest reasonable periods for correcting the violations, (2) a statement that justifies the proposed compliance schedule, and (3) a description of measures that the regulated entity will take to minimize the effects of the violations during the period of the compliance schedule.

f. If the regulated entity proposes to take more than 90 days to correct violations, the proposed stipulated penalties to be imposed if the regulated entity violates the compliance schedule.

g. A description of the measures that the regulated entity has taken or will take to prevent future violations and a timetable for taking the measures that it has not yet taken.

**Public Notice and Comment Period.** DNR would be required to provide at least 30 days for public comment on a compliance schedule and stipulated penalties proposed in a report described in the previous section. DNR could not approve or issue a compliance schedule or approve stipulated penalties until after the end of the comment period. Before the start of the public comment period, DNR would be required to provide public notice of the proposed compliance schedule and stipulated penalties that: (a) identifies the regulated entity that submitted the report, the facility at which the violation occurred and the nature of the violation; (b) describes the proposed compliance schedule and the proposed stipulated penalties; (c) identifies a contact person at DNR and at the regulated entity for additional information; and (d) states that comments may be submitted to DNR during the comment period and states the last day of the comment period.

**Compliance Schedules.** DNR would be required to review any proposed compliance schedule submitted by a regulated entity and to approve it as submitted or propose a different compliance schedule. If the regulated entity does not agree to implement a compliance schedule proposed by DNR, the Department would be required to schedule a meeting with the regulated entity to attempt to reach an agreement on a compliance schedule. If DNR and the regulated entity do not reach agreement, DNR could issue a compliance schedule. A compliance schedule would be subject to review under Chapter 227 of the statutes, related to administrative procedures and review.

DNR would not be allowed to approve or issue a compliance schedule that extends longer than 12 months beyond the date of approval of the compliance schedule. The Department would be required to consider the following factors before approving a compliance schedule: (a) the environmental and public health consequences of the violations; (b) the time needed to implement a change in raw materials or method of production if that change is an available alternative to other methods of correcting the violations; and (c) the time needed to purchase any equipment or supplies needed to correct the violations.

**Stipulated Penalties.** DNR would be required to review any proposed stipulated penalties submitted by a regulated entity and to approve them as submitted or to propose different stipulated penalties. If the regulated entity does not agree to the stipulated penalties proposed by the Department, DNR would be required to schedule a meeting with the entity to attempt to reach an agreement on stipulated penalties. If the Department and entity do not reach an agreement, there would be no stipulated penalties for violations of the compliance schedule. Stipulated penalties approved by DNR would have to specify a period not longer than six months beyond the end of the compliance schedule, during which the stipulated penalties would apply.

**Deferred Civil Enforcement.** For at least 90 days after DNR receives a report under the program, the state could not begin a civil action to collect forfeitures for violations that are disclosed in the report by a regulated entity that qualifies for participation in the program. If a

regulated entity corrects violations that are disclosed in a report within 90 days after DNR receives the report, the state could not bring a civil action to collect forfeitures for the violations.

The state could not begin a civil action to collect forfeitures for violations covered by an approved compliance schedule during the period of the compliance schedule if the regulated entity is not violating the compliance schedule. If the regulated entity violates the compliance schedule, DNR could collect any stipulated penalties during the period in which the stipulated penalties apply. The state could begin a civil action to collect forfeitures for violations that are not corrected by the end of the period in which the stipulated penalties apply. The state could begin a civil action to collect forfeitures for the violations, if the regulated entity violates the compliance schedule and there are no stipulated penalties.

If the Department approves a compliance schedule and the regulated entity corrects the violations according to the compliance schedule, the state could not bring a civil action to collect forfeitures for the violations.

The state could begin a civil action at any time to collect forfeitures for violations if any of the following apply: (a) the violations present an imminent threat to public health or the environment or may cause serious harm to public health or the environment; (b) DNR discovers the violations before submission of a report; (c) the violations resulted in a substantial economic benefit that gives the regulated entity a clear advantage over its business competitors; (d) the violations are identified through monitoring or sampling required by permit, statute, rule, regulation, judicial or administrative order, or consent agreement.

***Consideration of Actions by a Regulated Entity.*** If DNR receives a complying report from a regulated entity that qualifies for participation in the environmental improvement program, and the report discloses a potential criminal violation, DNR and the Department of Justice would be required to take into account the diligent actions of, and reasonable care taken by, the regulated entity to comply with environmental requirements in deciding whether to pursue a criminal enforcement action and what penalty should be sought.

In determining whether a regulated entity acted with due diligence and reasonable care, DNR and DOJ would be required to consider whether the regulated entity: (a) took corrective action that was timely when the violation was discovered; (b) exercised reasonable care in attempting to prevent the violation and to ensure compliance with environmental requirements; (c) had a documented history of good faith efforts to comply with environmental requirements before implementing its environmental management system or before beginning to conduct environmental performance evaluations; (d) has promptly made appropriate efforts to achieve compliance with environmental requirements since implementing its environmental management system or since beginning to conduct environmental performance evaluations and that action was taken with due diligence; (e) exercised reasonable care in identifying violations in a timely manner; or (f) willingly cooperated in any investigation that was conducted by this state or a local governmental unit to determine the extent and cause of the violation.

**Access to Records.** DNR would be required to make any record, report, or other information obtained in the administration of the environmental improvement program available to the public. However, the Department would be required to keep confidential any part of a record, report, or other information obtained in the administration of this section, other than emission data or discharge data, upon a showing satisfactory to DNR by any person that the part of a record, report, or other information would, if made public, divulge a method or process that is entitled to protection as a trade secret, of that person.

If the Department refuses to release information on the grounds that it is confidential and a person challenges that refusal, DNR would be required to inform the affected regulated entity of that challenge. Unless the regulated entity authorizes DNR to release the information, the regulated entity would be required to pay the reasonable costs incurred by the state to defend the refusal to release the information.

The confidentiality requirements would not prevent the disclosure of any information to a representative of DNR for the purpose of administering the program or to an officer, employee, or authorized representative of the federal government for the purpose of administering federal law. When the Department provides information that is confidential under the program to the federal government, DNR would also be required to provide a copy of the application for confidential status.

**Penalties.** Any person who knowingly makes a false statement in a report submitted under the program would be subject to a fine of not less than \$10 nor more than \$10,000 or imprisonment for not more than six months, or both. An act would be considered to be committed knowingly if it is done voluntarily and is not the result of negligence, mistake, accident, or circumstances that are beyond the control of the person.

**Conference Committee/Legislature:** Delete provision.